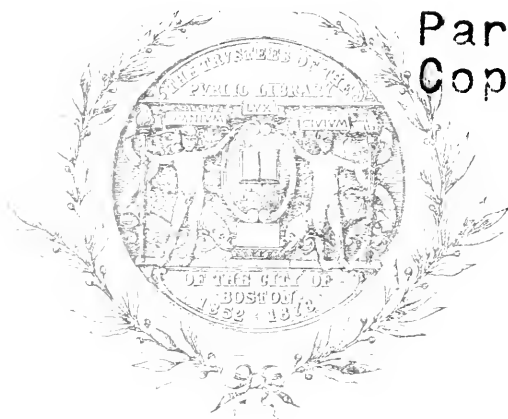


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INVESTIGATION OF ORGANIZED CRIME IN INTERSTATE COMMERCE

HEARINGS

BEFORE THE

SPECIAL COMMITTEE TO INVESTIGATE
ORGANIZED CRIME IN INTERSTATE COMMERCE
UNITED STATES SENATE
EIGHTY-FIRST CONGRESS

SECOND SESSION

PURSUANT TO

S. Res. 202

A RESOLUTION AUTHORIZING AN INVESTIGATION OF
ORGANIZED CRIME IN INTERSTATE COMMERCE

PART 4

MISSOURI

JULY 6, SEPTEMBER 28, 29, AND 30, 1950

Printed for the use of the Special Committee To Investigate
Organized Crime in Interstate Commerce



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UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1950

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Page 4

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INTERSTATE COMMERCE**

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RUDOLPH HALLEY, *Chief Counsel*

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¹ Returned to witness.² On file with committee.³ Written into record.

INVESTIGATION OF ORGANIZED CRIME IN INTERSTATE COMMERCE

THURSDAY, JULY 6, 1950

UNITED STATES SENATE,
SPECIAL COMMITTEE TO INVESTIGATE
ORGANIZED CRIME IN INTERSTATE COMMERCE,
Washington, D. C.

The committee met, pursuant to recess, in room G-16, the Capitol, Senator Estes Kefauver (chairman) presiding.

Present: Senators Kefauver, Hunt, and Wiley. Senator Thyne.

Also present: Rudolph Halley, chief counsel; Harold G. Robinson, associate counsel; and Alfred Klein, assistant counsel.

(The testimony of Hon. Luther W. Youngdahl, Governor of the State of Minnesota, and Virgil W. Peterson, operating director, Chicago Crime Commission, which preceded the following testimony of William P. Brown, is included in part 2 of the hearings of the committee.)

TESTIMONY OF WILLIAM P. BROWN, CLAYTON, MO.; ACCOMPANIED BY MORRIS A. SHENKER, ST. LOUIS, MO.

The CHAIRMAN. Mr. Brown, will you come around, please?

Mr. Shenker, you and Mr. Brown may be seated here.

Mr. Brown, do you solemnly swear that the testimony you give before this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BROWN. I do.

Mr. HALLEY. Mr. Brown, you are accompanied by your counsel, Mr. Morris Shenker, is that correct?

Mr. BROWN. Yes.

Mr. HALLEY. Has he advised you of your legal and constitutional rights in testifying before this committee?

Mr. BROWN. Yes, sir.

Mr. HALLEY. Mr. Brown, on June 19 were you served with a subpoena duces tecum directing you to bring with you before a meeting of this committee certain records of Pioneer News Service?

Mr. BROWN. Yes, sir.

Mr. HALLEY. Thereafter, did you understand from your counsel that it had been agreed between your counsel and counsel for this committee that the records might be produced without your personal appearance on June 26, 1950?

Mr. BROWN. Yes, sir.

Mr. HALLEY. The records were not produced on June 26, is that right?

Mr. BROWN. That is right, sir.

Mr. HALLEY. Can you state the reason?

The CHAIRMAN. Mr. Brown, if you will, testify a little louder. I do not want the witness interrupted all through his testimony by the photographers.

Mr. HALLEY. Can you state the reason why the records were not produced?

Mr. BROWN. On the advice of counsel, I didn't produce them.

Mr. HALLEY. Is it a fact that counsel then advised you that the subpoena which was served upon you was not in proper order?

Mr. BROWN. Yes, sir.

Mr. HALLEY. Has your counsel since advised you that the subpoena which was served on you was in proper order?

Mr. BROWN. Yes, sir.

Mr. HALLEY. Are you now ready to produce before this committee the records called for in the subpoena?

Mr. BROWN. Yes, sir.

Mr. HALLEY. Mr. Chairman, I wish at this time to offer in evidence the subpoena duces tecum, with return, made by Committee Investigator George White, and copy of a letter from Morris A. Shenker addressed to the committee and dated June 24, 1950.

The CHAIRMAN. Let them be received and appropriately marked as exhibit No. 1.

Mr. HALLEY. Thank you.

(The documents, identified as exhibit No. 1, are on file with the committee.)

Mr. HALLEY. Have you brought with you the records called for in the subpoena?

Mr. BROWN. Yes, sir.

Mr. HALLEY. Will you produce them now?

(Witness producing documents.)

Mr. HALLEY. You were directed in the subpoena to bring with you all records of the Pioneer News Service, and particularly those records listing the names of customers served by Pioneer from January 1, 1947, to date, and all of your personal records relating to your own financial transactions. Do you have such records with you?

Mr. BROWN. Well, I don't know if I cover everything there. I have everything that concerns Pioneer in those books.

Mr. HALLEY. You have everything that concerns Pioneer. Do you have your own personal books of account?

Mr. BROWN. No, I don't.

Mr. HALLEY. Will you produce them, as required by this subpoena?

Mr. BROWN. I don't have any books of my own personal account.

Mr. HALLEY. Do you keep records of your income?

Mr. BROWN. Yes.

Mr. HALLEY. Your disbursements?

Mr. BROWN. Yes.

Mr. HALLEY. Work sheets and other records from which your income tax is made out? You must have such records, do you not?

Mr. BROWN. I have my income tax; yes.

Mr. HALLEY. And bank statements?

Mr. BROWN. I don't have them with me.

Mr. HALLEY. But you have such records, do you not?

Mr. BROWN. Yes, sir.

Mr. HALLEY. I ask the chairman to direct the witness to produce the remainder of the records called for pursuant to this subpoena, as soon as possible.

The CHAIRMAN. Let me ask, Mr. Shenker, what personal records does he have?

Mr. SHENKER. I don't think he has any records in order to comply with that subpoena, Mr. Chairman. He is not engaged in any business, and the only thing he would have is how much money he earned, where he earned it from, and the statutory deductions, and the income-tax return. He does not have any other business ventures.

The CHAIRMAN. Can we have an agreement with you, Mr. Shenker, that you will get the records such as he has that we want for the inspection of the committee?

Mr. SHENKER. Certainly; but it is not in the form of books or records.

Mr. HALLEY. There must be bank books and vouchers and other financial records of that type, at least.

Mr. SHENKER. You may have available any checks or bank statements. Do you have a bank account, a personal bank account?

Mr. BROWN. Yes.

Mr. SHENKER. Certainly he will mail those to you. The subpoena didn't definitely state bank accounts.

The CHAIRMAN. The subpoena directed that these records be presented, and you will cooperate with us and see that we get them?

Mr. SHENKER. Yes, sir; absolutely.

Mr. HALLEY. Now, will you identify the books of Pioneer News Service which you have brought?

Mr. BROWN. This is a set-up charge book.

Mr. HALLEY. Will you describe what that book is?

Mr. BROWN. That is the different subscribers and accounts I have. The amounts are set up for each month.

Mr. HALLEY. You mean the charges made to each customer?

Mr. BROWN. That is right.

Mr. HALLEY. Do you have the name of the customer?

Mr. BROWN. Yes, sir.

Mr. HALLEY. Would you hand that book up to the committee?

I offer this as exhibit No. 2.

The CHAIRMAN. Let it be received.

(The book referred to was identified as exhibit No. 2, and is on file with the committee.)

The CHAIRMAN. We want to make an arrangement with you to get your original book back as quickly as possible, and I will instruct the staff to work that out with Mr. Shenker. I suppose you need these books for your bookkeeping.

Mr. BROWN. Yes; we do.

Mr. HALLEY. What is the second book?

Senator WILEY. May I ask here how those are entered? Are they entered according to the individuals at the time that they transact their business, or how is it done?

Mr. BROWN. Individuals.

Senator WILEY. I have not seen the books. Are they entered according to the alphabet? For instance, if I wanted to look up "W"—

Mr. BROWN. I am quite sure they are.

Senator WILEY. I would go and find "W" and find the persons with names beginning with "W" who did business with you?

Mr. BROWN. I am not sure about this, Senator.

The CHAIRMAN. Who keeps these books, Mr. Brown?

Mr. BROWN. The auditor keeps them. Mr. Cohen and Mr. Frank.

The CHAIRMAN. While we are on the book, let us see if we can get an explanation of how it is kept. Here on the first page is set up charge January 1947. The page is marked "S-175." You start out with Bolesiana. Is that the name of a person?

Mr. BROWN. Yes, sir.

The CHAIRMAN. One of the customers of Pioneer?

Mr. BROWN. Yes, sir.

The CHAIRMAN. Then you have out here, 4, and under that 4, 3,000, apparently; 11th, 3,000; 18th, 3,000.

Mr. SHENKER. \$30.

The CHAIRMAN. Is that \$30? Quite a difference.

Mr. SHENKER. Just a slight difference.

The CHAIRMAN. Then the 25th, \$30. Does that mean the amount charged from Bolesiana?

Mr. BROWN. That is right.

Senator WILEY. What does 4, 11, 18, and 25 mean?

Mr. BROWN. That is each week.

The CHAIRMAN. That is January 1947.

I notice you have here Fanny, and Cappy, and a lot of names. You have no initials, apparently, on any of these names, and no addresses. How does that happen, Mr. Brown?

Mr. BROWN. We never did have full names of customers.

Mr. SHENKER. Some.

Mr. BROWN. Some of them we have.

The CHAIRMAN. For these you have no initials and no addresses. That seems to be true of the majority of them. Do you send out bills for these amounts?

Mr. BROWN. No; they come in.

The CHAIRMAN. They come in and pay?

Mr. BROWN. Yes, sir.

The CHAIRMAN. Or do you go and collect from them?

Mr. BROWN. They come in and pay.

The CHAIRMAN. Why is it you do not have addresses after these names?

Mr. BROWN. Most of these customers, Senator, I would say 95 percent of them, were there when I came there, you see. I have been with Pioneer only since 1948.

The CHAIRMAN. What time did you begin with Pioneer in 1948?

Mr. BROWN. September, I believe it was, Senator, to the best of my recollection.

The CHAIRMAN. Now, we go over to page S-230, for instance, August 1949, the set-up charge. Here are about 15 names, and there do not seem to be any addresses for any of those, with possibly one exception. Anyway, you know who these people are and where you can find them and get the money from them; is that true?

Mr. SHENKER. They pay in advance, you know.

Mr. BROWN. They all pay in advance.

The CHAIRMAN. They pay in advance?

Mr. BROWN. Yes, sir.

The CHAIRMAN. How do they pay, by check or by cash?

Mr. BROWN. Mostly cash.

The CHAIRMAN. Do they come to your office and pay?

Mr. BROWN. Yes, sir.

The CHAIRMAN. You do not have collectors to go around and get money from them?

Mr. BROWN. No, sir.

The CHAIRMAN. There must be some explanation of why you do not have initials for these people and addresses, Mr. Brown.

Mr. SHENKER. You will find some of them have the initials.

Mr. BROWN. Very few.

Mr. SHENKER. Senator, I believe you will find that this book here has a more complete description of the individuals, as well as their names and addresses.

The CHAIRMAN. Apparently you make them pay up pretty much on the dot, because I see here a note to the auditor: "Don't set up Sullivan. He ran out of cash and has not paid anything for 3 weeks." How much time do you give them? How long do you carry them?

Mr. BROWN. Three weeks is unusually long.

The CHAIRMAN. All right, sir.

Mr. HALLEY. What is your second book?

Mr. BROWN. That is the cash receipts.

Mr. HALLEY. For what period?

Mr. BROWN. This is for 1947-49.

Mr. HALLEY. Will you submit it to the committee?

I offer it as exhibit No. 3.

The CHAIRMAN. That will be received and made a part of the record. (The book referred to was identified as exhibit No. 3, and is on file with the committee.)

Mr. HALLEY. And your third book?

Mr. BROWN. That is the weekly cash book. This would give you a little more information than the rest of them.

Mr. HALLEY. How does your weekly cash book differ from your cash-receipts book and your accounts book?

Mr. BROWN. I don't know if I understand you, Mr. Halley.

Mr. HALLEY. Let us first get your cash-receipts book into evidence as exhibit No. 4. Will you pass it up to the committee?

(Book passed to the committee.)

Mr. HALLEY. I offer that as exhibit No. 4.

The CHAIRMAN. That will be received.

(The book referred to was identified as exhibit No. 4, and is on file with the committee.)

Mr. SHENKER. I think Mr. Brown probably isn't explaining it right. This book is a ledger. This book has, alphabetically, each account. In other words, it is a regular ledger that gives the total payments for any given period of each customer. The others are entered at the time the money is received, and the other accounts are posted in here finally. Isn't that correct?

Mr. BROWN. Yes.

Mr. SHENKER. This is your final account. When you refer to that book you can find how much money each account paid and when he paid. That is exhibit No. 4.

Mr. HALLEY. Since you are the man under oath, would you state whether or not that is the fact, Mr. Brown?

Mr. BROWN. That is the fact.

The CHAIRMAN. Let me see if I get this correctly. This is the set-up charge, exhibit No. 2. That is how much you are charging each one of these customers, is that correct?

Mr. BROWN. That is correct.

The CHAIRMAN. Exhibit No. 3 is the receipts. It shows the collections?

Mr. BROWN. What they pay.

The CHAIRMAN. That they have paid?

Mr. BROWN. Yes, sir.

The CHAIRMAN. Then exhibit No. 4 is your ledger, reflecting the charge and the payments?

Mr. BROWN. That is correct; yes, sir.

The CHAIRMAN. So the set-ups in exhibit No. 2 should correspond to the payments in exhibit No. 3?

Mr. BROWN. That is right.

The CHAIRMAN. That is, if they have paid their accounts?

Mr. BROWN. That is right.

The CHAIRMAN. All right.

Mr. HALLEY. Does Pioneer not have any other records? Don't you have correspondence?

Mr. BROWN. No, sir.

Mr. HALLEY. No correspondence? Do you never write a letter?

Mr. BROWN. I have no reason to write letters; no, sir.

Mr. HALLEY. Do you ever communicate with Western Union? They provide you service. How do you pay their bills?

Mr. BROWN. We mail them a check.

Mr. HALLEY. You have a bank account?

Mr. BROWN. Oh, yes.

Mr. HALLEY. Did you bring with you the bank statements and pamphlet vouchers?

Mr. BROWN. No, I didn't.

Mr. HALLEY. Your bankbooks?

Mr. BROWN. No, I didn't. We would be out of business if I brought the bankbook.

Mr. HALLEY. You recall the original arrangement was that you were to show them to a committee investigator in St. Louis who was to leave them just where they were, but simply was to see them. It was your thought that you would insist on bringing them before the committee and would not show them to the committee's investigator. Is that correct?

Mr. BROWN. That is right.

Mr. HALLEY. Therefore, at your insistence you are here in Washington to produce the records. It seems to me that you have not produced the records.

Mr. SIENKER. Mr. Halley, I don't see how in the world this committee or anybody would expect us to know that you are talking about bank statements or that you are talking about bank vouchers. It happened to be there when Mr. White was talking to Mr. Brown. There wasn't one word said about checks or about bankbooks. That is a matter of record. He can have those any time he wants them. There wasn't anything said about correspondence. We understood you wanted records to reflect the business conditions of the company, which we did.

Mr. HALLEY. Mr. Shenker, the purpose is to get the records and not to wrangle about it.

Will you now make available to the committee's investigator in St. Louis all of the records of Pioneer News Service?

Mr. SHENKER. Yes, if we can have an understanding with the committee, first, that the investigator will come in personally to see them; and, secondly, that they will not be made public by the investigator to a point where they will become the property of newspapers and every other competitor that may be available.

Mr. HALLEY. You are not making anything even remotely like a charge that anything of that nature has happened, are you?

Mr. SHENKER. I can only say this, that when the investigator came in he was accompanied by a police official and another representative. That is all I can say.

Mr. HALLEY. There is no reason why a police official shouldn't be with him, is there?

Mr. SHENKER. I would say there is, yes, because if a police official wants to see the records, they should come in and see them themselves. We are perfectly willing to give the Crime Commission anything they want.

Mr. HALLEY. Let us get it perfectly straight. You are perfectly willing to make available to the committee's investigator at the offices of Pioneer any and all records of Pioneer that he may ask to look at?

Mr. SHENKER. Yes. We will give him the keys to all the files. He can look through it and see anything he wants over there.

Mr. HALLEY. Will it be possible for the committee's investigator to get those records the next time he comes to Pioneer without a further delay of 2 weeks?

Mr. SHENKER. He can see them any time he wants to.

Mr. HALLEY. Fine.

The CHAIRMAN. Just a minute.

Mr. Shenker, it seems to me the subpoena that was served was fairly inclusive and that there should have been an effort on your part or Mr. Brown's part to work out with the committee just what the committee wanted.

Mr. SHENKER. Obviously, Senator—

The CHAIRMAN. You knew, or Mr. Brown knew, from Mr. White's visit with Mr. Brown, that he wanted to see the canceled checks—

Mr. SHENKER. No.

The CHAIRMAN. And certain other information.

Mr. SHENKER. Were the checks ever mentioned?

Mr. BROWN. No.

Mr. SHENKER. This is the first time I have heard checks mentioned.

The CHAIRMAN. And Mr. Brown's copy of his income-tax return and any correspondence. He mentioned that, did he not, Mr. Brown?

Mr. BROWN. No correspondence.

Mr. SHENKER. As a matter of fact—

The CHAIRMAN. A copy of your income-tax return was mentioned?

Mr. BROWN. Yes.

Mr. SHENKER. That is available here.

The CHAIRMAN. You did not give it to him because you wanted to appear before the committee, did you not, in due process, which you are entitled to do. That is all right.

Mr. SHENKER. But there were no checks stated at any time, no request was ever made for canceled checks or any checks. They are certainly available.

Mr. HALLEY. As a lawyer, Mr. Shenker, you know that "all records" is a very inclusive expression and means all records. That would include canceled checks, correspondence, vouchers, and so forth.

The CHAIRMAN. The language is: "And all of your personal records relating to your own financial transactions." That would certainly include canceled checks. We do not want to inconvenience Mr. Brown in this matter, but it is going to be very difficult for us to get on with our work if we have to have these delays in securing records that we want.

Mr. SHENKER. I can tell you this, that there wasn't any mention made of any checks or deposits or anything pertaining to bank records. They are available and they are always available.

The CHAIRMAN. This is a fairly all-inclusive request that was made, and I think it would have been well to have worked out with the committee just what we did want, Mr. Shenker.

Mr. SHENKER. I am not disputing that part.

The CHAIRMAN. Anyway, you will furnish them to the investigator when he calls in St. Louis?

Mr. SHENKER. Yes, sir.

The CHAIRMAN. You put one condition on the matter, that they not be made public. As to whether the information is made public or not would be a matter for the determination of the committee.

Mr. SHENKER. I have no objection, as far as those records are concerned, if the committee makes the decision on it, but I certainly don't think the investigator should make the decision.

The CHAIRMAN. The committee will make the decision as to what is made public.

Mr. SHENKER. If the committee makes that decision, I am perfectly willing to abide by it.

Senator WILEY. Did you say you had the income-tax returns there?

Mr. SHENKER. Yes, sir; Mr. Brown's personal income-tax returns.

Senator WILEY. May we have those?

Mr. HALLEY. We are getting the income-tax returns here, Mr. Chairman.

Mr. SHENKER. We have them some place in Washington, Senator.

(Documents produced and handed to the chairman.)

Mr. HALLEY. I offer in evidence as exhibit No. 5, copies of income-tax returns for the years 1949, 1948, 1947, of William and Ethel Brown.

The CHAIRMAN. That will be received and made a part of the record.

(The documents referred to were identified as exhibit No. 5, and are on file with the committee.)

Mr. HALLEY. What is the business of Pioneer, Mr. Brown?

Mr. BROWN. It disseminates news.

Mr. HALLEY. It disseminates news?

Mr. BROWN. Yes, sir.

Mr. HALLEY. What kind of news?

Mr. BROWN. We give any current news. During the baseball season we give out the batteries, every 3 innings we give out the scores, then the final score. We give any racing information we receive. We receive all this from Continental, baseball and racing information, and any news of any importance, any unusual events we give out.

Mr. HALLEY. It is primarily racing information; is that right?

Mr. BROWN. Yes, sir.

Mr. HALLEY. It is the current, simultaneous description of a race as it is being run, and the odds as they change immediately before the race; is that correct?

Mr. BROWN. Yes, sir.

Mr. HALLEY. Through what source do you receive that news?

Mr. BROWN. On Western Union ticker.

Mr. HALLEY. On a Western Union ticker?

Mr. BROWN. Yes, sir.

Mr. HALLEY. Do you lease that ticker from Western Union?

Mr. BROWN. No. We lease that from Continental.

Mr. HALLEY. You lease that from Continental?

Mr. BROWN. Yes, sir.

Mr. HALLEY. Does that come in on a private leased wire?

Mr. BROWN. To the best of my knowledge, it does; yes.

Mr. HALLEY. That wire you also lease from Continental?

Mr. BROWN. Yes, sir.

Mr. HALLEY. You have no dealings with Western Union directly?

Mr. BROWN. Oh, yes; we deal directly with Western Union. We pay Western Union for the use of them.

Mr. HALLEY. You pay Western Union directly for the use?

Mr. BROWN. It is my understanding that it is Continental's wire.

Mr. HALLEY. Would you explain what you mean by "Continental's wire"? Does Continental control the other end of the wire, the source of the information that comes over on the wire?

Mr. BROWN. I wouldn't know if they control it or not. I wouldn't have that knowledge.

Mr. HALLEY. Who do you pay for the information you receive on that wire?

Mr. BROWN. We pay Continental.

Mr. HALLEY. What do you pay Continental?

Mr. BROWN. \$540 a week.

Mr. HALLEY. \$540 a week?

Mr. BROWN. Yes, sir.

Mr. HALLEY. How long have you been paying that amount?

Mr. BROWN. Since I have been there.

Mr. HALLEY. How long have you been there?

Mr. BROWN. Just a little over 2 years—not quite 2 years.

Mr. HALLEY. Would you speak a little louder?

Mr. BROWN. About 2 years.

Mr. HALLEY. Are you now the active manager of Pioneer News?

Mr. BROWN. Yes, sir.

Mr. HALLEY. Are you also a stockholder?

Mr. BROWN. Yes, sir.

Mr. HALLEY. Would you state who are the stockholders of Pioneer News today?

Mr. BROWN. I own 51½ percent.

Mr. HALLEY. You personally?

Mr. BROWN. Personally.

Mr. HALLEY. Fifty-one and a half?

Mr. BROWN. Yes, sir. My mother, who is Agnes Brown, owns 12½. Mr. Molasky owns 35, but I believe his sons are stockholders. I don't know how his stock is broken down.

Mr. HALLEY. You say that Mr. Molasky's son owns the balance?

Mr. BROWN. No. Mr. Molasky, and I believe his sons are in it. I don't know how his stock is broken down.

Mr. HALLEY. There is 1 percent missing somewhere.

Mr. BROWN. I said 51. I was wrong. It is 52½.

Mr. HALLEY. You have 52½ percent?

Mr. BROWN. Yes, sir.

Mr. HALLEY. How did you acquire your 52½ percent, and when?

Mr. BROWN. Mr. Owen owned 25 percent.

Mr. HALLEY. Owen? What is his full name?

Mr. BROWN. Clarence L. Owen.

Mr. HALLEY. He owned how much?

Mr. BROWN. Twenty-five percent. He is since dead, Mr. Halley.

Mr. HALLEY. When did Mr. Owen die?

Mr. BROWN. I think in May 1948.

Mr. HALLEY. What happened to his stock at that time?

Mr. BROWN. I purchased it later on. I purchased it in March of 1949, if I am correct, around that time, maybe a month or two before that.

Mr. HALLEY. Did you purchase it from the estate of Owen?

Mr. BROWN. Mrs. Owen.

Mr. HALLEY. How did you obtain the rest of your 52½ percent?

Mr. SHENKER. In order that the record might be clear, it was purchased from Mrs. Owen as well as the estate, in other words, an order in the probate court giving her permission to sell.

Mr. HALLEY. How did you acquire the remainder of the 52½ percent?

Mr. BROWN. Twelve and a half percent my father gave me in April of 1949. He signed it over to me.

Mr. HALLEY. As a gift from your father to you?

Mr. BROWN. Yes.

Mr. HALLEY. And the remainder?

Mr. BROWN. The other. I bought 7½ shares from Mr. Kruse.

Mr. HALLEY. You are up to 45 percent.

Mr. BROWN. There is 7½ missing. That was received from the Ragen estate.

Mr. HALLEY. Ragen estate?

Mr. BROWN. Yes, R-a-g-e-n.

Mr. HALLEY. When did you acquire the stock from Kruse?

Mr. BROWN. I think it was around—sometime around March, or maybe it was a few months before that, around in that area.

Mr. HALLEY. 1949?

Mr. BROWN. Yes, sir.

Mr. HALLEY. And the stock from Ragen?

Mr. BROWN. All at the same time.

Mr. HALLEY. March of 1949. What did you pay for the 25 shares—there are 100 shares altogether outstanding, is that right?

Mr. BROWN. Yes, sir, that is right.

Mr. HALLEY. So when you acquired 25 percent from Mrs. Owen, the widow of Clarence Owen, you acquired 25 shares, is that right?

Mr. BROWN. That is correct.

Mr. HALLEY. What did you pay for that?

Mr. BROWN. Twenty-five thousand.

Mr. HALLEY. Twenty-five thousand dollars?

Mr. BROWN. Plus, also, Mr. Owen owed Pioneer \$5,000.

Mr. HALLEY. Did you assume that debt?

Mr. BROWN. I assumed that debt.

Mr. HALLEY. You paid nothing for the 12½—

Mr. BROWN. I paid nothing.

Mr. HALLEY. That you acquired as a gift from your father?

Mr. BROWN. That is right.

Senator WILEY. What is the par value of the stock? No par?

Mr. BROWN. No par.

Senator WILEY. Is it an Illinois corporation?

Mr. BROWN. No.

Mr. SHENKER. Delaware.

Mr. BROWN. Delaware.

Mr. HALLEY. It originally sold for about the same price you paid for the Owen stock, did it not?

Mr. BROWN. Approximately.

Mr. HALLEY. Going back, in 1932 there was a sale of that stock to a syndicate composed of Mr. Molasky and Mr. Annenberg, Mr. Ragen and Mr. Kruse, is that right?

Mr. BROWN. I am not qualified on 1932. I didn't know much about it.

Mr. HALLEY. Haven't you looked at the books of your own company?

Mr. BROWN. Well, I just—no, really I haven't.

Mr. HALLEY. Don't you know for a fact that Molasky, Annenberg, Kruse, and Ragen bought in 50 percent of the company?

Mr. BROWN. Oh, yes; I have just hearsay knowledge.

Mr. HALLEY. Is that right?

Mr. BROWN. Yes, sir.

Mr. HALLEY. And paid how much, \$100,000?

Mr. BROWN. I couldn't say for sure what they paid. I don't recall what they paid. I wasn't in that at all then.

Mr. HALLEY. They paid a very substantial sum, did they not, for 50 percent of the company?

Mr. BROWN. I believe it was something like that. I am not sure.

Mr. HALLEY. That was the same Mr. Annenberg who at the time owned the source of the news you were getting, the Continental wire, is that right?

Mr. BROWN. As far as I know, yes, that is the man.

Mr. HALLEY. In 1932, Annenberg and Ragen, who controlled the wire that gave you your service, purchased with two of their associates 50 percent of your company, is that right?

Mr. BROWN. To the best of my recollection.

Mr. HALLEY. Isn't it also a fact that in about 1940, Annenberg made a gift of 22 percent of the stock to Molasky for just \$1?

Mr. BROWN. I have heard that.

Mr. HALLEY. You have heard that, is that right? You know for a fact that the stock was transferred to Mr. Molasky, is that correct?

Mr. BROWN. I am quite sure it is, yes, sir. I don't know for a fact. I never seen the stock.

Mr. HALLEY. Now, continuing, how much did you pay Kruse for his 7½ percent in March of 1949?

Mr. BROWN. Fifty-five hundred.

Mr. HALLEY. Fifty-five hundred dollars?

Mr. BROWN. Yes, sir.

Mr. HALLEY. How much did you pay Ragen for his 7½ percent?

Mr. BROWN. I didn't pay nothing for that.

Mr. HALLEY. Was that a gift?

Mr. BROWN. That was a gift that was supposedly a deal between Mr. Ragen and my father.

Mr. HALLEY. Would you explain the deal?

Mr. BROWN. Mr. Hilton handled the deal for me.

Mr. HALLEY. Who is Mr. Hilton?

Mr. BROWN. He is a lawyer in Chicago.

Mr. HALLEY. What is his full name?

Mr. BROWN. Henry Hilton.

Mr. HALLEY. He is a lawyer in Chicago. He handled the transaction whereby Mr. Ragen gave you 7½ shares of Pioneer for nothing?

Mr. BROWN. That is right.

Mr. SIENKER. It was supposed to have been subject to a previous agreement with Mr. Brown's father, that there was a moral obligation to fulfill. At least that is the way we understand it.

Mr. HALLEY. So at this time you and your mother between you have 65 percent of pioneer, is that right?

Mr. BROWN. That is right, sir.

Mr. HALLEY. Molasky has 35 percent?

Mr. BROWN. That is right, sir.

Mr. HALLEY. Do you know how long your mother has owned her 12½ shares?

Mr. BROWN. I believe since 1932.

Mr. HALLEY. What did you do before May of 1948?

Mr. BROWN. I was in the pinball business.

Mr. HALLEY. You were in what business?

Mr. BROWN. Pinball business.

Mr. HALLEY. What was the name of the company you worked with?

Mr. BROWN. I worked for McCall Novelty Co.

Mr. HALLEY. What is the address of McCall Novelty Co.?

Mr. BROWN. 3147 Locust Street, St. Louis, Mo.

Mr. HALLEY. Were you the owner of McCall Novelty Co.?

Mr. BROWN. No, I was an employee.

Mr. HALLEY. What was your salary?

Mr. BROWN. I worked on commission.

Mr. HALLEY. What was your total income, the largest total income for any one year?

Mr. BROWN. I think \$4,000 or \$5,000, something like that.

Mr. HALLEY. Four or five thousand. How long did you work for McCall Novelty Co. before May of 1948?

Mr. BROWN. I worked for them about 3½ years.

Mr. HALLEY. What did you do prior to that?

Mr. BROWN. Prior to that, I was in a defense plant. I worked in a defense plant.

Mr. HALLEY. For how long?

Mr. BROWN. During the war.

Mr. HALLEY. For how long did you work in a defense plant?

Mr. BROWN. About 2 years.

Mr. HALLEY. In what plant did you work?

Mr. BROWN. I worked for Curtiss-Wright.

Mr. HALLEY. Any other plants?

Mr. BROWN. I worked in Wood River, steamfitting.

Mr. HALLEY. What would you say would be your average income during those years that you worked in defense plants?

Mr. BROWN. Around \$4,000 or \$5,000 a year.

Mr. HALLEY. What did you do prior to your defense plant work?

Mr. BROWN. I worked for Pioneer.

Mr. HALLEY. You worked for Pioneer?

Mr. BROWN. Yes, sir.

Mr. HALLEY. For how many years did you work for Pioneer?

Mr. BROWN. For about 12 years.

Mr. HALLEY. I thought you testified a little while ago that you just went to work for Pioneer in May of 1948, and you didn't know of any of its prior history.

Mr. BROWN. I was a clerk for Pioneer. I didn't have any knowledge—

Mr. HALLEY. Please talk up.

Mr. BROWN. I was a clerk for them. I didn't have any knowledge of what they were doing or anything.

Mr. HALLEY. Your father was the owner and manager, is that right?

Mr. BROWN. He and Mr. Owen and Mr. Molasky.

Mr. HALLEY. Mr. Molasky has testified that he has had absolutely nothing to do with the management in any way, shape or manner, and does nothing but sign checks. Would you agree or disagree with that statement?

Mr. BROWN. He signs the checks, but I mean he watches them pretty close.

Mr. HALLEY. What else does he do?

Mr. BROWN. That is about all he does.

Mr. HALLEY. Are you sure?

Mr. BROWN. I would be free to ask him his advice if I wanted it.

Mr. HALLEY. Have you ever asked him his advice?

Mr. BROWN. I have never, no.

Mr. HALLEY. Why do you say you would be free to? Can you think of any one case in which you ever asked Mr. Molasky any advice or any question about the operation of the business?

Mr. BROWN. No, sir, I can't.

Mr. HALLEY. What happens when you hand him checks to sign?

Mr. BROWN. He signs them.

Mr. HALLEY. Does he ask for any explanation?

Mr. BROWN. No, he just signs them.

Mr. HALLEY. He takes your word for everything?

Mr. BROWN. I believe he does.

Mr. HALLEY. Then you run the business completely?

Mr. BROWN. That is right.

Mr. HALLEY. Where did you get the \$25,000 in cash to buy the stock from Owen?

Mr. BROWN. I borrowed it.

Mr. HALLEY. From whom did you borrow it?

Mr. BROWN. From my mother.

Mr. HALLEY. Do you know where she got it?

Mr. BROWN. She borrowed it on her house.

Mr. HALLEY. From whom did she borrow it?

Mr. BROWN. From the Jefferson National Bank in St. Louis.

Mr. HALLEY. From the Jefferson National Bank in St. Louis?

Mr. BROWN. Yes.

Mr. HALLEY. Was that in the form of a mortgage?

Mr. BROWN. Yes.

Mr. HALLEY. For how much?

Mr. BROWN. For \$20,000.

Mr. HALLEY. Then you needed \$5,000 more in cash for Owen, and you needed \$5,500 for Kruse, is that right?

Mr. BROWN. Yes, sir.

Mr. HALLEY. Where did you get that \$10,500?

Mr. BROWN. I borrowed the money.

Mr. HALLEY. You borrowed it from whom?

Mr. BROWN. My mother borrowed it. I borrowed it off my mother.

Mr. HALLEY. Where did your mother borrow it?

Mr. BROWN. She had a little money.

Mr. HALLEY. Would her bank statement show she had this money prior to 1949 and that she drew against it?

Mr. BROWN. Yes.

Mr. HALLEY. Are you sure she didn't borrow it from anybody else?

Mr. BROWN. I wouldn't be sure. She may have.

Mr. HALLEY. Did you ever hear of Mr. Buster Wortman?

Mr. BROWN. Did I ever hear of him?

Mr. HALLEY. Yes.

Mr. BROWN. Yes, sir.

Mr. HALLEY. Who is he?

Mr. BROWN. I worked for him at one time.

Mr. HALLEY. Will you state who he is?

Mr. BROWN. He owns the Plaza Amusement Co.

Mr. HALLEY. What is the Plaza Amusement Co.?

Mr. BROWN. That is a pinball company, novelty company.

Mr. HALLEY. That is the pinball company you worked for?

Mr. BROWN. No, I went to work for them after I left McCall, as manager.

Mr. HALLEY. How long did you work for Plaza Amusement Co.?

Mr. BROWN. Up until April of 1949.

Mr. HALLEY. For how many months or years did you work for Plaza Amusement Co.?

Mr. BROWN. About 14 months, I believe.

Mr. HALLEY. It is a little strange to me that you forgot to mention that when you told us where you had been working previously.

Mr. BROWN. I started off where I had been working first.

Mr. HALLEY. Is there any connection between your lapse of memory and the fact that Buster Wortman is a well-known racketeer?

Mr. BROWN. I wouldn't have no knowledge of that.

Mr. HALLEY. I am sorry, I didn't hear you.

Mr. BROWN. I wouldn't have any knowledge of that.

Mr. HALLEY. Would you know who Elmer Dowling is?

Mr. BROWN. He is associated with Mr. Wortman.

Mr. HALLEY. He is associated with Mr. Wortman. Do you know Mr. Eppelsheimer?

Mr. BROWN. Yes, I did know him.

Mr. HALLEY. Who is he?

Mr. BROWN. He is dead now.

Mr. HALLEY. Who was he?

Mr. BROWN. I believe he was connected with them, but I wouldn't be qualified to know if he was for sure, or not.

Mr. HALLEY. That is Frank Eppelsheimer, isn't it?

Mr. BROWN. Yes, sir.

Mr. HALLEY. Isn't it a fact that your father and those three men opened a news service in East St. Louis some years ago?

Mr. BROWN. I wouldn't have any knowledge of it, that they were with him.

Mr. HALLEY. Is it a fact that your father opened a news service in East St. Louis?

Mr. BROWN. Yes, sir; I heard he did. He told me he did.

Mr. HALLEY. Were you ever in the premises? Did you ever go over to East St. Louis and go into the place of business?

Mr. BROWN. I picked him up several times.

Mr. HALLEY. So that in addition to his telling you he did, you actually went there, didn't you, and you know he did?

Mr. BROWN. Yes; I picked him up.

Mr. HALLEY. You were there. You know what a news service looks like, don't you?

Mr. BROWN. Yes.

Mr. HALLEY. You worked in Pioneer for 12 years.

Mr. BROWN. Yes, sir.

Mr. HALLEY. When you went into the place in East St. Louis, you knew what was going on there, didn't you?

Mr. BROWN. Yes, sir; surely.

Mr. HALLEY. Why do you say that your father told you he did? Don't you very well know he did?

Mr. SHENKER. I would like the record to show that this is in the form of argument. This witness is simply trying to say things that he knows and not guesswork, because we well know that if he were to attempt to testify to anything which is not within his own peculiar knowledge, at a subsequent time the committee could well complain for testifying to information he doesn't know.

Mr. HALLEY. I think I will just continue asking the questions and ask you not to interrupt, Mr. Shenker. It is quite apparent to me, and I will ask the Chairman to rule, that the witness is trying to evade. I will ask you not to interrupt.

The CHAIRMAN. Proceed with the questions. I think the testimony shows that he either knew or had reason to know that his father had a news service in East St. Louis.

Mr. BROWN. Yes, sir; I knew that.

Mr. SHENKER. He so stated that he knew.

Mr. HALLEY. Is that the Reliable News Service?

Mr. BROWN. That is the name of it; yes.

Mr. HALLEY. That is the name of it. It served racing news to bookies, is that right?

Mr. BROWN. Well, I wouldn't know about that. I didn't work there.

Mr. HALLEY. Let's get down to Pioneer. Does Pioneer serve racing news to bookies?

Mr. BROWN. I assume they do; yes.

Mr. HALLEY. That is not an answer. Do they or do they not?

Mr. BROWN. I would say they do; yes.

Mr. HALLEY. They do?

Mr. BROWN. Yes, sir.

Mr. HALLEY. Are you ashamed of serving racing news to bookies? Why do you fail to answer that question?

Mr. BROWN. I did answer it.

Mr. HALLEY. I had the same problem with Mr. Molasky. It seems to me if you are in a perfectly honest business, serving racing news to bookies, you ought to be willing to admit it.

Mr. BROWN. I would say they do; yes, sir.

Mr. HALLEY. You would say they do?

Mr. BROWN. Yes, sir.

Mr. HALLEY. Isn't it also a fact that Pioneer took over the business of Reliable News Service?

Mr. BROWN. Yes, that is a fact; yes.

Mr. HALLEY. Wasn't that a bookie service, serving racing news to bookies?

Mr. BROWN. Yes, sir.

Mr. HALLEY. You took over the account from Reliable?

Mr. BROWN. That is correct.

Mr. HALLEY. Isn't that a fact?

Mr. BROWN. That is a fact, sir.

Mr. HALLEY. I will have to ask you again, Why did you say you didn't know what the business of Reliable News was? You certainly did know what it was.

The CHAIRMAN. He has finally said he knew what it was, so proceed, Mr. Halley.

Mr. HALLEY. Will you give the committee, pursuant to the subpoena, the list of the names of customers served by Pioneer News Service from January 1, 1947, to date?

Mr. BROWN. Will I give the list, you say?

Mr. HALLEY. Yes.

Mr. BROWN. They are on there.

Mr. HALLEY. Will you point it out in the proper book, so the committee does not have to search for it?

The CHAIRMAN. Is that in the set-up charge?

Mr. BROWN. That would be in all them books.

The CHAIRMAN. That would be in all three books?

Mr. HALLEY. I have reference to an actual list, not a list of names and nicknames. You must have a list of the names and addresses of the people that you serve.

Mr. BROWN. I don't have the addresses.

Mr. SHENKER. Do you have any list besides that list you have supplied?

Mr. BROWN. No.

Mr. HALLEY. You have no such list?

Mr. BROWN. No, sir.

The CHAIRMAN. You mean the only thing you have are things like Fanny, Carroll? Is that all you have?

Mr. BROWN. Yes.

Mr. SHENKER. Except there is one book there, Senator, which gives more complete information pertaining to the description of the persons and their addresses.

Mr. BROWN. I believe the Senator has that book.

Mr. SHENKER. That is the book you have there, Senator. You will find much more information there.

The CHAIRMAN. Yes; I think that is true in some cases. You do have the addresses in some cases.

The committee will stand in recess for approximately 15 minutes while we vote on a current issue.

(Brief recess.)

The CHAIRMAN. All right, Mr. Halley, we will proceed.

Mr. HALLEY. Your father was in partnership with Owen, is that right?

Mr. BROWN. That is right.

Mr. HALLEY. As the Pioneer News Service?

Mr. BROWN. That is right.

Mr. HALLEY. Then your father opened a competing news service across the river in East St. Louis, is that right?

Mr. BROWN. That is right.

Mr. HALLEY. Did you ever discuss with your father why he opened a news service in competition with himself?

Mr. BROWN. He never discussed it with me.

Mr. HALLEY. Did you ever discuss it with anyone else?

Mr. BROWN. No, sir.

Mr. HALLEY. Did you have any knowledge of the circumstances which led to your father's opening a news service in competition with Pioneer in East St. Louis?

Mr. BROWN. No; I don't have no knowledge as to that.

Mr. HALLEY. Did you ever see Frank Wortman in the premises of the new news service that your father opened, Reliable?

Mr. BROWN. No, sir.

Mr. HALLEY. You never did?

Mr. BROWN. No, sir.

Mr. HALLEY. But during the time that your father opened Reliable News Service, you got a job working for Wortman at the Plaza Co., is that right?

Mr. BROWN. I managed the place.

Mr. HALLEY. You became Wortman's manager?

Mr. BROWN. That is right.

Mr. HALLEY. Do you know whether or not Wortman is a well-known gangster? Is that something about which you have any knowledge.

Mr. BROWN. That is what the papers say, but I have no knowledge of anything like that.

Mr. HALLEY. Do you know his reputation? Isn't he supposed to be a Capone mobster from Chicago?

Mr. BROWN. That is what they say.

Mr. HALLEY. That is what they say. Did you ever hear anything about it when you worked for the Plaza Novelty Co. as his manager?

Mr. BROWN. He never was in the Plaza as long as I was there.

Mr. HALLEY. He was never there. He reposed confidence in you and put you in complete charge; is that right?

Mr. BROWN. That is right.

Mr. HALLEY. Did you ever see Frank Wortman and Frank Eppelsheimer, and Louie Smith, or any of them, with your father or with Owen before your father opened the Reliable Co. across the river?

Mr. BROWN. I have seen them talk to my father; yes.

Mr. HALLEY. You have seen them together?

Mr. BROWN. Yes.

Mr. HALLEY. Where?

Mr. BROWN. Over in East St. Louis.

Mr. HALLEY. In East St. Louis?

Mr. BROWN. Yes.

Mr. HALLEY. Where did you see them together?

Mr. BROWN. At the Paddock Bar.

Mr. HALLEY. Where is that?

Mr. BROWN. I think it is 429 St. Louis Avenue.

Mr. HALLEY. How often did you see them at the Paddock Bar?

Mr. BROWN. Once or twice; twice, I believe it was.

Mr. HALLEY. That was before your father opened Reliable News?

Mr. BROWN. No; I believe it was after. You see—pardon me, Mr. Halley—my father's eyesight failed him very badly the last year before he died, and naturally I drove him quite a bit.

Mr. HALLEY. I see.

Did you ever hear of any discussions about the competition between Pioneer and Reliable?

Mr. BROWN. No, sir.

Mr. HALLEY. They were in competition?

Mr. BROWN. Naturally.

Mr. HALLEY. Though your father was a stockholder in both?

Mr. BROWN. That is right.

Mr. HALLEY. Was your father the sole stockholder in Reliable?

Mr. BROWN. No. I believe there was a Mr. Quinn was a stockholder there.

Mr. HALLEY. What is Quinn's full name?

Mr. BROWN. I believe it was Frank Quinn.

Mr. HALLEY. How much of the stock did he own, what percentage?

Mr. BROWN. I don't know.

Mr. HALLEY. Were there any other stockholders there?

Mr. BROWN. I believe a Mr. Gordon Foster.

Mr. HALLEY. Any others?

Mr. BROWN. That is all I know of.

Mr. HALLEY. When did Owen die, do you know?

Mr. BROWN. To the best of my knowledge, I believe it was in May 1948. I am pretty sure that is when it was.

Mr. HALLEY. How long after that did Reliable close up?

Mr. BROWN. Reliable closed up before Mr. Owen died.

Mr. HALLEY. Closed up before Mr. Owen's death?

Mr. BROWN. I am positive it did; yes.

Mr. HALLEY. When it closed up, where did its partners go to? Did they go back to Pioneer?

Mr. BROWN. My father went back to Pioneer.

Mr. HALLEY. Were you familiar with the operation on the Illinois side of the river, of Mr. Wortman?

Mr. BROWN. No.

Mr. HALLEY. Do you know that he had an office in East St. Louis?

Mr. BROWN. An office?

Mr. HALLEY. Yes.

Mr. BROWN. No.

Mr. HALLEY. Or a place of business?

Mr. BROWN. He had a place of business, yes.

Mr. HALLEY. Where was this place of business?

Mr. BROWN. That was the bar I mentioned, the Paddock Bar, I believe.

Mr. HALLEY. Did you ever hear of a place in Fairmont City?

Mr. BROWN. I didn't know of an office he had there; no.

Mr. HALLEY. Did you know of any place he had in Fairmont City?

Mr. BROWN. No, sir.

Mr. HALLEY. None whatever?

Mr. BROWN. No; I didn't know of any.

Mr. HALLEY. Did you know whether he moved into the Fullerton Building shortly after the death of Owen?

Mr. BROWN. Mr. Wortman?

Mr. HALLEY. Mr. Wortman.

Mr. BROWN. No.

Mr. HALLEY. Or any of his associates?

Mr. BROWN. No, sir.

Mr. HALLEY. Or Mr. Smith?

Mr. BROWN. No, sir.

Mr. HALLEY. Or Mr. Eppelsheimer?

Mr. BROWN. No, sir.

Mr. HALLEY. Did any of the group move from East St. Louis or the Illinois side of the river into St. Louis, into the Fullerton Building, shortly after the death—

Mr. BROWN. Not to my knowledge. I don't know of anyone moving into the Fullerton Building, of those people you named.

Mr. HALLEY. Do any of them have offices in the Fullerton Building now?

Mr. BROWN. To my knowledge, they don't; no.

Mr. HALLEY. On the tenth floor?

Mr. BROWN. I have an office on the tenth floor.

Mr. HALLEY. You have an office on the tenth floor?

Mr. BROWN. Yes, sir.

Mr. HALLEY. With whom do you share it?

Mr. BROWN. I don't share it with anybody.

Mr. HALLEY. Is that an office of Pioneer News?

Mr. BROWN. That is a Pioneer News office.

Mr. HALLEY. When did you move into that office?

Mr. BROWN. I think it was about 9 years ago.

Mr. HALLEY. About 9 years ago?

Mr. BROWN. About that.

Mr. HALLEY. You haven't been there continuously since; have you?

Mr. BROWN. No; I haven't. My father—

Mr. HALLEY. You mean Pioneer has been?

Mr. BROWN. Pioneer has an office there.

Mr. HALLEY. Isn't it a fact that Smith and Eppelsheimer and Wortman sought to purchase an interest in Pioneer shortly before your father left the premises of Pioneer and formed Reliable?

Mr. BROWN. Not to my knowledge.

Mr. HALLEY. Did you ever hear of such a thing?

Mr. BROWN. No, sir.

Mr. HALLEY. Never heard of it before?

Mr. BROWN. No, sir.

Mr. HALLEY. From anyone at all?

Mr. BROWN. No, sir.

Mr. HALLEY. Isn't it a fact that Owen refused to go into business with Wortman and Smith and Eppelsheimer?

Mr. BROWN. I have no knowledge of that, Mr. Halley.

Mr. HALLEY. You never heard of that from anyone?

Mr. BROWN. No.

Mr. HALLEY. Isn't it a fact that your father then opened Reliable across the river in East St. Louis and operated with Eppelsheimer and Wortman and Smith?

Mr. BROWN. Not to my knowledge.

Mr. HALLEY. It is at least a fact that at the same time that your father opened Reliable in East St. Louis, you became manager of the Plaza Novelty Co. which is owned by Wortman; is that right?

Mr. BROWN. Right around that time; yes, sir. It is a corporation, the Plaza is.

Mr. HALLEY. Isn't it also a fact that thereafter your father moved back to Pioneer and assumed charge of it again?

Mr. BROWN. That is a fact; yes sir.

Mr. HALLEY. At a time that Owen was unable to function as manager any longer?

Mr. BROWN. That is right.

Mr. HALLEY. Then Owen died?

Mr. BROWN. That is right.

Mr. HALLEY. And you purchased Owen's stock?

Mr. BROWN. Yes, sir.

Mr. HALLEY. Isn't it a fact that Frank Wortman still has an interest in Pioneer News Co. today?

Mr. BROWN. No, sir.

Mr. HALLEY. Would you state that he has no interests, direct or indirect, in Pioneer News Service?

Mr. BROWN. No interest whatsoever, and never has had.

Mr. HALLEY. Does he have any interest in your stock participation?

Mr. BROWN. No, sir.

Mr. HALLEY. Direct or indirect?

Mr. BROWN. In no way.

Mr. HALLEY. Does Louis "Red" Smith have any interest, direct or indirect—

Mr. BROWN. None.

Mr. HALLEY. In your participation in Pioneer?

Mr. BROWN. None.

Mr. HALLEY. You state that as a fact?

Mr. BROWN. That is a fact.

Mr. SIENKER. You are speaking now, Mr. Halley, about a financial interest, I presume.

Mr. HALLEY. That is right.

The CHAIRMAN. Any kind of interest.

Mr. SIENKER. Of course, he can have a curious interest. I just wanted to get the record straight. He might be curious about it or something.

Mr. HALLEY. Does Frank Eppelsheimer have any interest in Pioneer?

Mr. BROWN. No, sir.

Mr. HALLEY. None whatsoever?

Mr. BROWN. No, sir.

Mr. HALLEY. Does he directly or indirectly share any interest in the stock that you own in Pioneer?

Mr. BROWN. No; no, sir.

Mr. HALLEY. Did any of those three persons have anything to do with the furnishing of the \$30,500 which you used to purchase your stock in Pioneer?

Mr. BROWN. No, sir.

Mr. HALLEY. You assert that you got all that money from your mother?

Mr. BROWN. That is right.

Mr. HALLEY. And that she borrowed the bulk of it?

Mr. BROWN. I paid off that \$5,000 of Mr. Owen's out of a dividend.

Mr. HALLEY. Out of a dividend?

Mr. BROWN. Yes.

Mr. HALLEY. Did you declare a dividend in Pioneer about that time?

Mr. BROWN. Around that time; yes.

Mr. HALLEY. That is the time at which \$40,000 in dividends were paid, is that right?

Mr. BROWN. That is right.

Mr. HALLEY. What was your share of that?

Mr. BROWN. I believe it is on that return. Could I look at that just a minute?

Mr. HALLEY. Yes.

Mr. BROWN. I believe \$15,000.

Mr. HALLEY. Your share was \$15,000?

Mr. BROWN. That is right, Mr. Halley, \$15,000.

Mr. HALLEY. You received \$15,000?

Mr. BROWN. That is right.

Mr. HALLEY. What salary did you receive from Pioneer since you acquired your stock in it?

Mr. BROWN. \$500 a week.

Mr. HALLEY. \$500 a week?

Mr. BROWN. Yes.

Mr. HALLEY. Starting in 1949, would that be, in March?

Mr. BROWN. Around that time; yes, sir.

Mr. HALLEY. Would you say, then, that you recouped your entire investment within the first year in the form of a dividend and salary?

Mr. BROWN. No.

Mr. HALLEY. Your investment was \$35,000; is that right?

Mr. BROWN. That is right.

Mr. HALLEY. You got \$15,000 in a dividend; is that right, immediately?

Mr. BROWN. I would say 10 of that; 5 of it I had to pay right away to clean up Mr. Owen's debt.

Mr. HALLEY. You were recouping your investment, in other words?

Mr. BROWN. That is right.

Mr. HALLEY. I have taken that into consideration.

Mr. BROWN. That is right.

Mr. HALLEY. So you received \$15,000 immediately in a dividend?

Mr. BROWN. That is right.

Mr. HALLEY. And your salary for 9 months of the year would be approximately \$20,000, wouldn't it?

Mr. BROWN. That is right.

Mr. HALLEY. Which would equal the \$35,000 you paid to buy your interest.

Mr. BROWN. That is right.

Mr. HALLEY. Can you state the circumstances under which Mr. Kruse was willing to sell 7½ percent of that business to you for just \$5,500?

Mr. BROWN. No; I can't state why. Mr. Hilton handled that for me, too. He contacted Mr. Kruse.

Mr. HALLEY. Are you familiar with Mr. Kruse's reputation?

Mr. BROWN. No, sir.

Mr. HALLEY. Do you know that he is reputed to be a member of the Capone mob in Chicago?

Mr. BROWN. I never heard that.

Mr. HALLEY. You never heard that?

Mr. BROWN. No, sir.

Mr. HALLEY. Would you state the circumstances under which Mr. Ragen would be willing to give you 7½ percent of Pioneer in 1949 immediately before the declaration of a dividend?

Mr. BROWN. No; I couldn't.

Mr. HALLEY. You have no idea how that happened?

The CHAIRMAN. What was that moral obligation you were talking about?

Mr. BROWN. That was supposed to be between my father and Mr. Ragen.

The CHAIRMAN. What was that?

Mr. BROWN. He just promised him that 7½.

The CHAIRMAN. Why?

Mr. BROWN. You say "why," Senator?

The CHAIRMAN. Yes.

Mr. BROWN. That I don't know.

The CHAIRMAN. What did you hear about it? They must have told you about it, did they not?

Mr. BROWN. He just mentioned that it was supposed to come to him. That is all he mentioned to me.

The CHAIRMAN. Did Mr. Ragen talk to you about it?

Mr. BROWN. No; I never knew Mr. Ragen.

The CHAIRMAN. You do not know what the moral obligation was?

Mr. BROWN. No, I don't.

The CHAIRMAN. But you understood there was a moral obligation?

Mr. BROWN. Yes; and I got hold of Mr. Hilton—

The CHAIRMAN. You got hold of Mr. Hilton after Mr. Ragen died?

Mr. BROWN. That is right.

The CHAIRMAN. What did you tell Mr. Hilton?

Mr. BROWN. My father was still alive at that time. I asked him about it, if he knew anything about it, and he said yes, he knew about it.

The CHAIRMAN. And there was a moral obligation?

Mr. BROWN. That is right.

The CHAIRMAN. Did he explain to you what it was?

Mr. BROWN. It was just between them. No; he didn't explain what it was, to me.

The CHAIRMAN. Excuse me, Mr. Halley.

Mr. HALLEY. Who fixes the salaries at Pioneer? You, personally?

Mr. BROWN. Mr. Molasky and I.

Mr. HALLEY. Do you confer with him about it?

Mr. BROWN. I just suggest to him. He agrees to anything I say.

Mr. HALLEY. You said Mr. Molasky and you. What happens?

Mr. BROWN. That salary was arranged between Mr. Molasky and my father and myself.

Mr. HALLEY. It was arranged between the three of you?

Mr. BROWN. Yes, sir.

Mr. HALLEY. How was it determined what salaries you would receive?

Mr. BROWN. My father made a figure and we agreed to it.

Mr. HALLEY. Did your father suggest the figure?

Mr. BROWN. That is right.

Mr. HALLEY. And you both agreed to it?

Mr. BROWN. Yes.

Mr. HALLEY. Since your father's death, have you been fixing salaries?

Mr. BROWN. The salaries have been the same until we cut them not long ago?

Mr. HALLEY. You say "we cut them." Who cut them?

Mr. BROWN. I told Mr. Molasky that we were losing money.

Mr. HALLEY. You told Mr. Molasky?

Mr. BROWN. Yes.

Mr. HALLEY. What did you tell him?

Mr. BROWN. I told him that the company couldn't stand those salaries, so he said, "Fix them any way you want," so I did.

Mr. HALLEY. Did you fix the salaries?

Mr. BROWN. Yes, sir.

Mr. HALLEY. Who declared the dividends? Who determined on the dividend to be paid in 1949?

Mr. BROWN. My father was the one who declared that.

Mr. HALLEY. Your father was the one who declared that?

Mr. BROWN. Yes.

Mr. HALLEY. But that was after you had bought your stock; is that right?

Mr. BROWN. That is right.

Mr. HALLEY. Was your father still a stockholder?

Mr. BROWN. Yes, sir.

Mr. HALLEY. When did he give you his 12½ percent? I don't understand that.

Mr. BROWN. Well, I think it was in April.

Mr. HALLEY. When was the dividend declared?

Mr. BROWN. In March.

Mr. HALLEY. Who received the dividend on his 12½ percent, you or he?

Mr. BROWN. My father.

Mr. HALLEY. He received his dividend, and you received yours?

Mr. BROWN. Yes, sir.

Mr. HALLEY. In the very next month your father gave you his stock?

Mr. BROWN. Yes.

Mr. HALLEY. For nothing?

Mr. BROWN. That is right.

Mr. HALLEY. Who fixes the charges to the customers of Pioneer?

Mr. HALLEY. I do.

Mr. HALLEY. Personally?

Mr. BROWN. Yes, sir.

Mr. HALLEY. Do you have any agents or solicitors or brokers?

Mr. BROWN. No, sir.

Mr. HALLEY. You handle that business entirely yourself?

Mr. BROWN. Yes, sir.

Mr. HALLEY. How many customers does Pioneer have?

Mr. BROWN. About 25 or 30, around in there.

Mr. HALLEY. Are they all bookmakers?

Mr. BROWN. No; not all.

Mr. HALLEY. Mr. Molasky buys some news for his racing sheet; is that right?

Mr. BROWN. That is right.

Mr. HALLEY. Is there any other customer who is not a bookmaker?

Mr. BROWN. I wouldn't think there is.

Mr. HALLEY. Then all but Molasky are bookmakers; is that right?

Mr. BROWN. I assume that; yes, sir.

Mr. HALLEY. Have they any other source from which they can purchase racing news in St. Louis except Pioneer?

Mr. BROWN. I don't know about that.

Mr. HALLEY. Is there any other wire service?

Mr. BROWN. Not to my knowledge.

Mr. HALLEY. You are, then, in a monopoly position; is that right?

Mr. BROWN. Anybody can buy it.

Mr. HALLEY. Anybody can buy it?

Mr. BROWN. Yes.

Mr. HALLEY. Have you ever refused service to anybody except for nonpayment of their bills?

Mr. BROWN. No, sir.

Mr. HALLEY. You have never refused service to any bookmaker?

Mr. BROWN. No, sir.

Mr. HALLEY. But they cannot get it from anybody but you; is that right?

Mr. BROWN. To the best of my knowledge.

Mr. HALLEY. What is the smallest weekly charge you make to any bookmaker?

Mr. BROWN. I think it is around \$40.

Mr. HALLEY. What do you charge Molasky for his service?

Mr. BROWN. \$75.

Mr. HALLEY. What is the largest weekly charge you make to any bookmaker?

Mr. BROWN. Three fifty, I believe.

Mr. HALLEY. \$350 a week?

Mr. BROWN. Yes.

Mr. HALLEY. Would you explain how you compute the charges made to each customer?

Mr. BROWN. That was the charges when I came there, and I just based it on what was there before I came.

Mr. HALLEY. Has no charge been changed since you came in there?

Mr. BROWN. No, sir.

Mr. HALLEY. There has been no change whatsoever in any case?

Mr. BROWN. No, sir.

Mr. HALLEY. Not even one single case?

Mr. BROWN. To the best of my knowledge, there isn't one case that there has been a change.

Mr. HALLEY. You furnish the same service to everybody, don't you?

Mr. BROWN. No, sir.

Mr. HALLEY. How does it differ?

Mr. BROWN. Some of them get it direct by ticker, Western Union ticker.

Mr. HALLEY. Yes.

Mr. BROWN. Some of them call in and get results and any news that may be in at that time. Some of them have a direct connection.

Mr. HALLEY. A direct telephone connection?

Mr. BROWN. That is right.

Mr. HALLEY. Do you have men working in your premises feeding the information out?

Mr. BROWN. Yes, sir.

Mr. HALLEY. Where they have a wire, does your customer rent the wire directly himself from Western Union?

Mr. BROWN. No; he rents it from us.

Mr. HALLEY. And you rent it from Western Union?

Mr. BROWN. Yes, sir.

Mr. HALLEY. How do you determine what should be the rate for each customer? Doesn't the same thing go over each wire?

Mr. BROWN. Yes.

Mr. HALLEY. How can you distinguish between the man you charge \$350 a week and the man you charge \$30 a week?

Mr. BROWN. Nobody gets it over a wire for \$30 a week.

Mr. HALLEY. Nobody gets it over a wire? What is the smallest amount for which anybody gets wire service?

Mr. BROWN. I believe it is about \$100 a week.

Mr. HALLEY. What is the difference between the service given a \$100-a-week customer and the service given a \$350-a-week customer?

Mr. BROWN. Really none.

Mr. HALLEY. Really no difference whatsoever. Can you justify that difference?

Mr. BROWN. No; I can't.

Mr. HALLEY. Have you ever discussed it with any of your customers?

Mr. BROWN. No.

Mr. HALLEY. Has any customer ever come to you and asked for a reduced rate?

Mr. BROWN. No.

Mr. HALLEY. Not even one single customer since April of 1949?

Mr. BROWN. Well, I have had them ask me, and I just don't reduce any rates.

Mr. HALLEY. Who came and asked you for a reduced rate?

Mr. BROWN. I don't recall offhand who it was.

Mr. HALLEY. Search your memory. You said you have had them come and ask you. Who has asked you for reduced rates?

Mr. BROWN. I can't remember, Mr. Halley.

Mr. HALLEY. What was that? I am sorry.

Mr. BROWN. I say I can't remember who it was.

Mr. HALLEY. What happened? Can you remember the conversation? Was it more than one person, or only one customer? How many customers came to you and asked for reduced rates?

Mr. BROWN. I don't remember if there was more than one, or not.

Mr. HALLEY. There was at least one?

Mr. BROWN. I had somebody, I remember, somebody coming in, but they didn't even talk to me directly.

Mr. HALLEY. Who did they talk to?

Mr. BROWN. They talked to Mr. Campbell.

Mr. HALLEY. You have never talked to any customer yourself about reduction of rates, not even one?

Mr. BROWN. Not to the best of my recollection. I may have, but I don't recall.

Mr. HALLEY. You may have?

Mr. BROWN. I don't recall.

Mr. HALLEY. If you may have, how could you justify not reducing a man's rate? What may you have told him? Did you tell him he had no other place he could get his wire service and therefore he could just take it or leave it?

Mr. BROWN. No.

Mr. HALLEY. Isn't that the fact?

Mr. BROWN. No; I don't think it is the fact.

Mr. HALLEY. Isn't it a fact that you furnish the same service to two people; one of them pays you \$100 a week and the other pays you \$300 a week?

Mr. BROWN. Yes; that is a fact.

Mr. HALLEY. And that you make no distinction between them in any respect?

Mr. BROWN. Those prices were there when I came. I didn't have nothing to do with making them.

Mr. HALLEY. You are there running the place now; aren't you?

Mr. BROWN. That is right.

Mr. HALLEY. And these people have no other place that they can go to get their service; isn't that right?

Mr. BROWN. Not that I know of.

Mr. HALLEY. Who gives you your protection and the exclusiveness of your wire in St. Louis?

Mr. BROWN. I don't follow you, Mr. Halley. What do you mean "protection"?

Mr. HALLEY. How do you get an exclusive wire? Why isn't somebody else opening a wire in competition with yours?

Mr. SHENKER. They do, as a matter of fact.

Mr. HALLEY. Who does?

Mr. SHENKER. All of those men over there, if they want to, can sell service.

Mr. HALLEY. Who gets service besides you from Continental?

Mr. SHENKER. That is a different story.

Mr. BROWN. Just me, as far as I know.

Mr. HALLEY. What is the nature of your exclusive contract with Continental? With whom did you make that contract?

Mr. BROWN. I didn't make it.

Mr. HALLEY. Whom do you deal with in Continental?

Mr. BROWN. Mr. Kelly.

Mr. HALLEY. What is his full name?

Mr. BROWN. Tom Kelly.

Mr. HALLEY. Where does he have his office?

Mr. BROWN. In Chicago.

Mr. HALLEY. When did you last talk to him?

Mr. BROWN. You asked me when was the last time I saw Mr. Kelly?

Mr. HALLEY. Yes.

Mr. BROWN. I imagine it was 4 or 5 months ago, if I remember right.

Mr. HALLEY. What I am trying to find out is what the nature of your relationship with Continental is so that they give you this exclusive service in St. Louis?

Mr. BROWN. It is just a carry-over. It is just a verbal agreement. I don't believe there is any contract. I never seen any.

Mr. HALLEY. Have you ever seen Mr. Wortman and Mr. Kelly together?

Mr. BROWN. No.

Mr. HALLEY. Do they know each other; do you know?

Mr. BROWN. To the best of my knowledge, they don't.

Mr. HALLEY. I have no other questions at this time, Mr. Chairman.

The CHAIRMAN. Mr. Brown, I have just one or two questions. These sheets, I understand, are customers, with the addresses such as you have?

Mr. BROWN. Ticker customers, Senator.

Mr. SIENKER. That is a complete list of that date, with the addresses.

The CHAIRMAN. We will make this yellow sheet an exhibit to your testimony—subscribers who are entitled to the news but with no direct wire service. You do not have their addresses?

Mr. BROWN. No, sir.

(The document referred to is on file with the committee.)

The CHAIRMAN. What do you charge your new customers who have direct wire service?

Mr. BROWN. I try to get as much as I can, Senator.

The CHAIRMAN. Anything up to \$300 that you can get?

Mr. BROWN. If I can get it, yes.

The CHAIRMAN. What license do you pay to the city of St. Louis or the State of Missouri; that is, for the privilege of doing business? Do you pay a license?

Mr. BROWN. I wouldn't know if I did or not. I don't recall any.

The CHAIRMAN. You do not know whether you pay a license to operate?

Mr. BROWN. No, Senator; I don't.

The CHAIRMAN. How many telephones do you have in the office of Pioneer to call out on?

Mr. BROWN. Twenty.

The CHAIRMAN. How many employees do you have to do the calling?

Mr. BROWN. Six. Three of them are operators.

The CHAIRMAN. Do you take into consideration the size of the bookie operation that you are serving in setting your fee?

Mr. BROWN. I don't have much knowledge of what their operation is; I mean, how much they do or anything.

The CHAIRMAN. You get your information through Continental over a leased Western Union wire?

Mr. BROWN. That is right.

The CHAIRMAN. You pay Continental \$550 a week?

Mr. BROWN. \$540, sir.

The CHAIRMAN. Do you pay Western Union anything for that wire?

Mr. BROWN. Yes; we pay a wire charge.

The CHAIRMAN. How much is that; do you know?

Mr. BROWN. No; I don't, Senator.

The CHAIRMAN. About how much is it?

Mr. BROWN. I imagine it runs a couple of hundred a week.

The CHAIRMAN. Then you have several Western Union lines that send news out from Pioneer to your customers?

Mr. BROWN. That is right.

The CHAIRMAN. There are about 25 of them?

Mr. BROWN. Yes, sir.

The CHAIRMAN. How much do you pay Western Union for these leased wires?

Mr. BROWN. I think the bill runs around \$200 or so a week.

The CHAIRMAN. For each one of them?

Mr. BROWN. Oh, no. That is the total.

The CHAIRMAN. For all of these customers?

Mr. BROWN. Yes, sir.

The CHAIRMAN. So, you do have considerable dealings with Western Union; is that correct?

Mr. BROWN. That is correct.

The CHAIRMAN. Have you bought any stock in Western Union?

Mr. BROWN. No, sir.

The CHAIRMAN. Did you discuss with Mr. Molasky his buying stock in Western Union?

Mr. BROWN. No. Mr. Molasky never discussed his personal affairs with me at all.

The CHAIRMAN. You do not think that owning considerable stock in Western Union is any advantage to Pioneer?

Mr. BROWN. He never told me of owning the stock. I didn't know he had the stock until I read it in the paper.

The CHAIRMAN. As I understand it, you devote all of your time to Pioneer. Is that correct, Mr. Brown?

Mr. BROWN. That is correct.

The CHAIRMAN. Mr. Molasky just comes by and signs checks once a week?

Mr. BROWN. He stops in three or four times a week.

The CHAIRMAN. He has several other businesses?

Mr. BROWN. That is correct, sir.

The CHAIRMAN. He owns 35 percent of the stock—35 shares—and you own 52½?

Mr. BROWN. That is right.

The CHAIRMAN. He devotes maybe one-tenth of his time, and you devote all of your time?

Mr. BROWN. That is right, sir.

The CHAIRMAN. Why do you pay him the same salary that you take yourself?

Mr. BROWN. When we agreed on those salaries, it was just an agreement. I have never changed it.

The CHAIRMAN. You own more stock and you give all of your time. He gives almost none of his time; he never directs you about the business, and yet you pay him the same salary that you pay yourself.

Mr. BROWN. That is right.

The CHAIRMAN. You have no explanation of that?

Mr. BROWN. No; I don't, Senator.

The CHAIRMAN. What is all this promotion expense that you have listed in your charges here, Mr. Brown? What promotion do you do?

Mr. BROWN. I don't know. How much promotion expense?

The CHAIRMAN. Here, in April 1950, "Promotion, \$150"; two checks, \$50 and \$100. What was that for?

Mr. SHENKER. If you have that book there, it will give an explanation. The disbursement book will give an explanation.

The CHAIRMAN. Let us look at the April 30, 1950, entry in this book and see what we can find out about it.

Mr. BROWN. It wouldn't be in that book. It would be in the one Mr. Halley has.

The CHAIRMAN. See if you can see what that "Promotion, \$150" is. (Book handed to the witness.)

The CHAIRMAN. According to this exhibit No. 1, the journal, promotion check, \$100, \$50, total \$150.

Mr. SHENKER. What date is that, Senator?

The CHAIRMAN. April 30, 1950.

Mr. SHENKER. I was looking at the 13th. Just a minute. The check would show what it is for; wouldn't it?

The CHAIRMAN. Do you not have any idea what it is for, Mr. Brown?

Mr. BROWN. No; I don't. I am trying to place it. The check will show on the stub what it was used for. I can assure you of that, Senator.

The CHAIRMAN. Then, at December 31, 1949, "Promotion expense, \$977.28." Do you know what that would be?

Mr. SHENKER. I don't see it at all.

The CHAIRMAN. Do you know what it was, Mr. Brown?

Mr. BROWN. No; I don't. The check stub would show it, Senator. It is written right on the check stub.

The CHAIRMAN. Can you imagine what kind of promotion you would be doing?

Mr. BROWN. No; I wouldn't.

Mr. SHENKER. All disbursements are by check; are they?

Mr. BROWN. Yes.

The CHAIRMAN. Would they be contributions of any sort?

Mr. BROWN. It could be that.

The CHAIRMAN. What kind of contributions might it be?

Mr. BROWN. Like raffles and things like that—police circus tickets. That is all taken out of cash, and we call it "promotion."

Mr. SHENKER. It wouldn't be \$900 to that. It would be \$5.

The CHAIRMAN. Let us let him testify.

Mr. SHENKER. I was just trying to see.

The CHAIRMAN. Let us see what kind of promotion it might be. You mean for police tickets?

Mr. BROWN. I just used that expression.

The CHAIRMAN. What was the expression you used?

Mr. BROWN. That it could be for some kind of tickets, but not that amount. I have no idea what that amount is, but I tell you every

check we have, what we use it for, is wrote on the back. When your man comes there, I will be able to fully explain it to him.

The CHAIRMAN. Would "promotion" be political contributions?

Mr. BROWN. No; we give no political contributions.

The CHAIRMAN. Do you make any political contributions?

Mr. BROWN. No, sir.

The CHAIRMAN. I notice here December 31, 1940, a "campaign contribution, \$170." Of course, you were not with the Pioneer News Service then.

Mr. BROWN. No.

The CHAIRMAN. Do you know what campaign contribution that was; whom it was to?

Mr. BROWN. No; I don't, sir.

The CHAIRMAN. Did you or Pioneer make a campaign contribution of \$2,000 to Governor Smith's campaign through Mr. John Hendron?

Mr. BROWN. No, sir.

The CHAIRMAN. Do you know about that contribution?

Mr. BROWN. Not until I read it in the paper.

The CHAIRMAN. Mr. Molasky did not discuss the matter?

Mr. BROWN. Never.

The CHAIRMAN. That did not come out of Pioneer's funds?

Mr. BROWN. No, sir.

The CHAIRMAN. Did you talk with him about the advisability of making a campaign contribution?

Mr. BROWN. No; I never did.

The CHAIRMAN. Did you make one yourself?

Mr. BROWN. No, sir.

The CHAIRMAN. No campaigns?

Mr. BROWN. No, sir.

The CHAIRMAN. Do you have any further questions?

Mr. HALLEY. No, sir.

The CHAIRMAN. All right.

Mr. SHENKER. I have one or two questions.

The CHAIRMAN. Gentlemen, let me say if you have any statement you want to make to clear up any matters that you think may be not clear, you may do so at this time, or if you have any questions, Mr. Shenker.

Mr. SHENKER. I would like to ask you this, Mr. Brown. You testified in answer to a leading question by Mr. Halley pertaining to the reputation of Mr. Wortman and Mr. Eppelsheimer and Mr. Smith. Do you of your own knowledge know their reputation and what they do or are you basing that on newspaper accounts?

Mr. BROWN. Just newspaper accounts.

Mr. SHENKER. You are basing that on newspaper accounts.

Now pertaining to the question on whether they tried to make a deal with Mr. Owen and your father prior to his death, or to their death, as to the purchase of an interest in Pioneer News, you did read some newspaper accounts about that, did you not?

Mr. BROWN. That is right.

Mr. SHENKER. When you testified that you had no knowledge, you mean you had no personal knowledge?

Mr. BROWN. No personal knowledge.

Mr. SHENKER. But you did read some newspaper accounts.

Mr. BROWN. That is correct.

Mr. SHENKER. You also read some newspaper accounts pertaining to Mr. Wortman's activities about being connected with some syndicates, and so forth?

Mr. BROWN. That is right.

Mr. SHENKER. Pertaining to the service that your company sells, that Pioneer sells, does Pioneer sell service to anyone that wants to buy it?

Mr. BROWN. Any one.

Mr. SHENKER. Does Pioneer ask the prospective customer or the present customer what he is going to use the service for?

Mr. BROWN. No, sir.

Mr. SHENKER. They do not. Anyone who wants to buy the service and has the available funds with which to pay for the service can get it, is that correct?

Mr. BROWN. That is right.

Mr. SHENKER. Do you of your own knowledge know as to whether all of the customers or the majority of the customers of Pioneer are bookmakers?

Mr. BROWN. Not from my own knowledge.

Mr. SHENKER. That is what I say, you don't know that of your own knowledge, is that correct?

Mr. BROWN. Yes.

Mr. SHENKER. You have seen considerable publicity pertaining to that recently in the press, isn't that correct?

Mr. BROWN. That is correct.

Mr. SHENKER. Have you seen in my office a decision by the Missouri Public Service Commission which was rendered in 1945 to the effect that after all of the evidence was produced by the telephone company it was insufficient and there wasn't a proper showing to convince the Missouri Public Service Commission that Pioneer is engaged in selling news to persons that are engaged in unlawful occupations?

Mr. BROWN. I read that.

Mr. SHENKER. You read that, and that is a matter of dispute now in the United States Supreme Court.

Mr. BROWN. That is correct.

Mr. SHENKER. The question as to whether the people who purchase the news from you are bookmakers or are not bookmakers was never decided upon satisfactorily, nor was sufficient evidence produced to the Missouri Public Service Commission to show that they were bookmakers. Isn't that correct?

Mr. BROWN. That is right.

Mr. SHENKER. Some of those persons, according to that decision, came in to the Missouri Public Service Commission court to testify that they were not using it in connection with bookmaking; is that right?

Mr. BROWN. That is correct.

Mr. SHENKER. Pertaining to these persons—do you know of your own knowledge whether Pioneer is the only distributor in St. Louis of racing information?

Mr. BROWN. No; not of my own knowledge.

Mr. SHENKER. As far as you know, you are the only one that does business with Continental; isn't that correct?

Mr. BROWN. That is correct.

Mr. SHENKER. Have you heard by reputation or by hearsay that many persons are getting racing results and racing information that are not customers of yours?

Mr. BROWN. Oh, yes.

Mr. SHENKER. You have heard of many of those; is that correct?

Mr. BROWN. Yes, sir.

Mr. SHENKER. Do you know of your own knowledge where they get it?

Mr. BROWN. I do not.

Mr. SHENKER. All right, you don't know.

Have you ever met Mr. Kruse? Do you know him?

Mr. BROWN. Not to my knowledge.

Mr. SHENKER. As far as you know, you don't know him.

I have no further questions.

The CHAIRMAN. Very well, Mr. Brown. Let us get one thing straight here: That when the committee investigator calls on you in St. Louis you will produce the canceled checks and the bankbook and other correspondence for his inspection at Pioneer News Service and of yours.

Mr. BROWN. Yes, sir.

The CHAIRMAN. What bank does the Pioneer News Service have its account with?

Mr. BROWN. Mutual.

The CHAIRMAN. Mutual Bank of St. Louis?

Mr. BROWN. Mutual Bank & Trust Co. of St. Louis.

The CHAIRMAN. Is that the only account Pioneer News Service has?

Mr. BROWN. That is the only account Pioneer has.

The CHAIRMAN. What bank do you put your personal account in?

Mr. BROWN. The Clayton National Bank. I have an account.

The CHAIRMAN. What other bank?

Mr. BROWN. Mercantile Commerce.

The CHAIRMAN. Clayton National Bank of St. Louis.

Mr. BROWN. And Mercantile Commerce.

The CHAIRMAN. How do you happen to have two bank accounts?

Mr. BROWN. I live in Clayton. I have a joint account out there with my wife.

The CHAIRMAN. Then you have your personal account downtown.

Mr. BROWN. Yes, sir.

The CHAIRMAN. Senator Hunt, any questions?

Senator HUNT. No.

The CHAIRMAN. Thank you very much.

Mr. SHENKER. I have one other question, if I may, Senator.

Pertaining to the types of services that you render, Mr. Brown, did you mean to say that you rendered the same service to everyone or that some persons get service different from others?

Mr. BROWN. A different service.

Mr. SHENKER. Some persons get limited service?

Mr. BROWN. Oh, yes.

Mr. SHENKER. Some persons only telephone in and get results, is that correct.

Mr. BROWN. That is correct.

Mr. SHENKER. Other persons get all of the service that Pioneer receives, is that correct?

Mr. BROWN. That is right.

Mr. SHENKER. There is a difference in the service?

Mr. BROWN. That is right.

Mr. SHENKER. Some persons tie up a telephone wire completely and get all of the information, and others simply telephone in and get information?

Mr. BROWN. That is correct.

Mr. SHENKER. They just telephone in for a half minute or minute and hang up, is that correct?

Mr. BROWN. That is correct.

Mr. SHENKER. That is all.

The CHAIRMAN. All of these direct-wire services get the same service?

Mr. BROWN. The direct-wire service, yes.

The CHAIRMAN. That is the main list of customers?

Mr. BROWN. Yes.

The CHAIRMAN. From some you get \$100 a week and from some you get \$300, is that correct?

Mr. BROWN. That is correct.

The CHAIRMAN. All right, sir.

Thank you, Mr. Shenker.

Mr. SHENKER. Thank you, sir.

(Discussion off the record followed by further testimony from Virgil W. Peterson, operating director, Chicago Crime Commission, which is included in part 2 of the hearings of the committee.)

INVESTIGATION OF ORGANIZED CRIME IN INTERSTATE COMMERCE

THURSDAY, SEPTEMBER 28, 1950

UNITED STATES SENATE,
SPECIAL COMMITTEE TO INVESTIGATE
ORGANIZED CRIME IN INTERSTATE COMMERCE,
Kansas City, Mo.

The committee met, pursuant to call of the chairman, at 10 a. m., in court room No. 1, United States Court House, Kansas City, Mo., Senator Estes Kefauver (chairman) presiding.

Present: Senators Kefauver and Wiley.

Also present: Rudolph Halley, chief counsel; Alfred Klein, assistant counsel; George H. White, John N. McCormick, and W. C. Garrett, investigators; and Julius Cahn, administrative assistant to Senator Wiley.

The CHAIRMAN. The committee will come to order.

By way of preliminary explanation, as all of you know, this is the second meeting of the Senate Committee To Investigate Organized Crime in Interstate Commerce which we have held in Kansas City. The first meeting was a closed hearing for the purpose of getting certain records and going over testimony with witnesses in order that we could determine what was relevant so that we could be prepared for this open hearing.

The chairman is very delighted that Senator Alexander Wiley, of Wisconsin, could be with us today. He has been a valuable and most interested member of this committee. He has done a tremendous amount of effective work in the cause for which the committee is organized. Senator Wiley went to a great deal of difficulty to come down from a very busy campaign and other duties in order to be with us today, and we hope that he may be here at other times during the hearing.

Senator WILEY. I thought you would say you hoped he would be reelected. [Laughter.]

The CHAIRMAN. If I said that, being a Democrat, it might be used against me. [Laughter.]

We hope also that Senator O'Connor, of Maryland, may be here for the hearing tomorrow.

Mr. Julius Cahn, who is Senator Wiley's administrative assistant, is here and will be here all during the hearing. I might first introduce the members of our staff, some of whom have been here for a good deal of time trying to find out such facts as they could.

Mr. Rudolph Halley, the general counsel.

Mr. White, Mr. McCormick, Mr. Garrett, and Mr. Klein, who came out from Washington with us.

We are also glad that many representatives of wire services and newspapers, large and important newspapers from outside of the city, have come and have representatives here too numerous to mention.

In the beginning I want to express the committee's grateful appreciation for the splendid cooperation and the fact that every courtesy and every help has been extended to us by everyone that we have been in contact with during our visits in Kansas City. I can't mention all the people and all the agencies who have been of great help to us, but I think I should say that Mr. Sam Wear, in the district attorney's office, has rendered us every possible assistance. Mr. Cantrell, the marshal, and Mr. Webb and all of his staff, all of the Federal agencies, the Bureau of Narcotics, the Alcohol Tax Unit, the police department of the city and certain detectives who have been called upon, the Crime Commission of Kansas City, and the local press and all of the local officials with whom we have been in contact, we are very, very grateful. Without their effective cooperation it would not have been possible, of course, to accomplish the work that we have done here in Kansas City.

I want also to express our appreciation to Judge Reeves for the use of this beautiful courtroom and the other district judges for their cooperation. Judge Ridge has assigned a bailiff to help us in this hearing.

The committee has had the benefit of the grand jury's investigation which was conducted here under the direction of Mr. Wear and Mr. Goldschein, who was especially assigned from the Department of Justice in Washington. We are cognizant of the findings set forth in the report that the gambling business in Kansas City in years past has grossed more than \$34,000,000 a year. The committee is aware also of the fact that there have been a number of indictments and convictions growing out of this grand jury investigation. I think we should make it clear in the beginning that it is not the committee's purpose and indeed we would be doing a disservice to the public if we attempted to investigate every criminal activity in every section of the country or to take the place or to try to compete with local law-enforcement officers in any way. We follow the policy of course of cooperation with and reliance upon law-enforcement officers. We are aware that the primary responsibility for law enforcement is local and that the people will have good law enforcement only if they are interested in doing something about the local situation. The Federal Government can never and must never try to assume the prerogative of the local people insofar as crime prevention and law enforcement are concerned.

The purpose of this inquiry and of this committee is to determine and to report to the Senate of the United States whether there is an organized criminal syndicate operating in the United States across State lines, what it is, how it operates, what protection it may have from enforcement officers and men in public life, and what the political complications directly connected with it are, the purpose being further to be able to recommend to the Senate what Federal laws might need amending or strengthening in order to give the people of the country more protection and in what ways the Federal Government might within its jurisdiction pass additional laws which would be of benefit to local law-enforcement officials in their efforts toward crime prevention.

We feel that, with fast communications and technological developments, with large amounts of money and resources that some criminals and racketeer organizations have, that it was proper and we think it is worth while to look into the situation where the interstate commerce involving the Federal Government is involved.

I want to make it clear that this is not a pleasant job for this committee, its investigation of crime is not a pleasant one. We are trying to do a public service in the interest of the people of the country, and I think we have been of some assistance. It is not a pleasant job to call in witnesses and ask them embarrassing questions. We know that it is not very pleasant for the witnesses to come and testify about matters of this kind. We do it and hope the witnesses appreciate the fact that they are making a better country by giving us the information we want. We hope that our work will be for the benefit of the United States.

I mentioned before that we have worked in cooperation with your very effective United States attorney, Mr. Sam Wear, and we are very grateful to him for his suggestions.

The public must not get the impression, also, that all of the witnesses who are called before us are racketeers or law violators because a great many public-spirited citizens who are able to help the committee by telling facts within their knowledge have been and will be called before the committee.

By having executive hearings we have tried to weed out witnesses who merely want to throw somebody's name around and cause him embarrassment. It is not our purpose to seek notoriety or to embarrass anyone, but merely to get the facts which we are seeking. That is one of the reasons we have closed hearings before we have public hearings. We realize that in a hearing of this kind it is inevitable that some people's names may be brought out who have not themselves been called to be witnesses before the committee. If any person whose name may be mentioned feels that he has been misrepresented or that the truth has not been told about him or that he has any explanation he wants to make about any matter that is brought out in this public hearing, we invite him and we hope that he will immediately let us know so that we can at once give him an opportunity of being heard so that the testimony about him and his explanation will all be given at the same time, because we do not want anyone to feel that he has been talked about without himself having an opportunity of refuting any statement or making any explanation.

The committee's presence here in Kansas City is not to indicate that this city is crime ridden or worse than any other cities. On the contrary, Kansas City appears to be a beautiful city which has done much to clean its own house in recent years, and there is much that has been done here, a great deal of which the committee wishes to congratulate the citizens of this city on and your law-enforcement department and public officials.

The committee is here because, as the evidence will disclose, certain important segments of organized racketeers or criminals made it one of the centers of operation, imposing upon the good citizens of Kansas City and of this section. These are few in number, but a few of that type can cast a very bad reflection upon any community.

We appreciate the cooperation of the press in these matters. I know that they like to get pictures. If they will take the pictures when the witness first comes or when he has finished his testimony, that will let us get on, that is, the flash-bulb pictures.

The marshal, under the rules of the Federal Government, has asked that no pictures be made of two witnesses who will be here, who are here from a Federal institution, Tano Lacoco and Morris Klein, that no pictures be made of them at any time.

Also, under the rules of the court, no smoking will be permitted in the courtroom during the time of the hearing.

Also, Mr. Follmer, a narcotics agent, is going to testify and under rules of the Narcotics Division of the tax department we will ask the press not to make any pictures of him.

Senator Wiley, will you make any additions?

Senator WILEY. No, Mr. Chairman, I think you have very well stated the scope of our hearings here. I just have one or two thoughts that come to me, as I listened to your very fine statement.

It is this: When we were kids, we were taught that eternal vigilance was really the price of liberty, and we know that now, and recognize the impact from abroad of Communist ideas, but we have not applied it as we should have applied it in this country to great impacts upon our internal affairs. This Kefauver committee, as we call it, has been authorized and delegated by the Senate to see if we could not get into operation some of that eternal vigilance against those evil forces that internally—as Lincoln said, you remember—Lincoln said that if this country ever falls, it will be due to internal violence, and not external enemies. So if we can, besides investigating interstate racketeers and seeking an antidote for interstate crime, also arouse the conscience of our people to the need of being eternally vigilant domestically against not only those who would disintegrate our liberties, but who would disintegrate our great moral values, then whatever we do otherwise, the actions of this committee will not have been in vain.

The sanctity of the ballot, the sanctity of our home, those great values that we consider, including giving youth a fair chance to grow without being enticed into every kind of crime, are part of those values that to me, at least, are significant in seeing to it that we do not disintegrate domestically this fine Government of ours, this fine economy of ours.

Of course, we have only such jurisdiction as Senator Kefauver says, and that relates to interstate crime, but, as we know, the courts have defined very clearly that interstate commerce is not simply something passing between States: it starts back where the individual is manufacturing it, and so we have taken jurisdiction in relation to minimum wages, and so forth.

I have nothing particular to say. Let us get on.

The CHAIRMAN. Thank you, Senator Wiley.

The Chair will at this time make a part of the record the minutes of the meeting of the committee of July 11, 1950, authorizing the appointment of a subcommittee designed to hold this and other hearings, and minutes of the meeting of the committee of September 6, 1950, which will be made a part of the record.

(The documents referred to are identified as exhibit No. 6, and appear in the appendix on p. 411.)

The CHAIRMAN. I did want to mention we have tried in every way to keep any political tinges from the work of this committee, trying to go straight down the middle, with no one to punish or to protect, but merely to get what the facts are, and that to the best of our ability is the way we have been running our committee, and the way we will run it here. We are not grinding anybody's axes. We are not trying to cover up for anybody. We want the facts just as they are.

We feel that we have a staff and we have men who have been working here who are not political in any respect, who have received instructions to get whatever facts there are and to get the witnesses before this committee for their production, and for anyone who has any doubt about it, I just wanted to make that very clear.

Mr. Halley, who is the first witness?

Mr. HALLEY. Hampton Chambers.

The CHAIRMAN. Will you come around, Mr. Chambers? Will you sit in that chair. You solemnly swear the testimony you give this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. CHAMBERS. I do.

TESTIMONY OF HAMPTON SMITH CHAMBERS, KANSAS CITY, MO.

Mr. HALLEY. Your name is Hampton Smith Chambers?

Mr. CHAMBERS. Correct.

Mr. HALLEY. And you live at the President Hotel, Kansas City, Mo.

Mr. CHAMBERS. Yes.

Mr. HALLEY. What is your present occupation?

Mr. CHAMBERS. I am director of sales for Neiser Moser Cigar Co.

The CHAIRMAN. We will appreciate it if you would move that mike a little closer to you and speak up a little bit more.

Mr. HALLEY. Were you formerly a member of the Kansas City Board of Police Commissioners?

Mr. CHAMBERS. I was.

Mr. HALLEY. When were you appointed?

Mr. CHAMBERS. In October.

Mr. HALLEY. 1946?

Mr. CHAMBERS. Yes; I think it was. Yes; it would be 4 years ago this coming October.

Mr. HALLEY. You were appointed for a 4-year term?

Mr. CHAMBERS. That is right.

Mr. HALLEY. How many members are there on the board of police commissioners?

Mr. CHAMBERS. There is four, and the mayor acts, of course, as a commissioner, too.

Mr. HALLEY. He serves ex officio?

Mr. CHAMBERS. Yes.

Mr. HALLEY. And it takes three commissioners to take effective actions; is that right?

Mr. CHAMBERS. Yes.

Mr. HALLEY. Who appoints the police commissioners of Kansas City?

Mr. CHAMBERS. The Governor of the State of Missouri.

Mr. HALLEY. And who appointed you?

Mr. CHAMBERS. Gov. Phil Donnelly.

Mr. HALLEY. In 1948, were you a hold-over appointee?

Mr. CHAMBERS. Yes.

Mr. HALLEY. Who are the other commissioners who were held over?

Mr. CHAMBERS. Robert Cohn and Paul Hambledon, and I think Roger Miller.

Mr. HALLEY. You and Cohn remained on the board after Governor Smith was elected and took office?

Mr. CHAMBERS. Yes, sir.

Mr. HALLEY. Is that correct?

Mr. CHAMBERS. Yes.

Mr. HALLEY. Governor Smith was inaugurated in January of 1948; is that right?

Mr. CHAMBERS. That is correct.

Mr. HALLEY. Thereafter, did Governor Smith make appointments to the board to fill two vacancies?

Mr. CHAMBERS. He did.

Mr. HALLEY. And who were appointed?

Mr. CHAMBERS. Milligan and Farrell.

Mr. HALLEY. And which Milligan is that?

Mr. CHAMBERS. Tuck Milligan.

Mr. HALLEY. Tuck Milligan?

Mr. CHAMBERS. Yes.

Mr. HALLEY. And Sheridan Farrell?

Mr. CHAMBERS. That is right.

Mr. HALLEY. How long did you serve on the board?

Mr. CHAMBERS. Well, about a year and 9 months. I mean about 2 years and 9 months. My time was up October of this year.

Mr. HALLEY. You were dismissed by Governor Smith in May of 1950; is that right?

Mr. CHAMBERS. That is right.

Mr. HALLEY. That was shortly after the slaying of Binaggio and Gargotta?

Mr. CHAMBERS. Correct.

Mr. HALLEY. Were any members of the board retained at that time or was the entire board replaced?

Mr. CHAMBERS. The entire board was replaced.

Mr. HALLEY. The others resigned; is that correct?

Mr. CHAMBERS. Two of them.

Mr. HALLEY. Two resigned at the request of the governor?

Mr. CHAMBERS. Yes.

Mr. HALLEY. They were Milligan and Farrell?

Mr. CHAMBERS. That is right.

Mr. HALLEY. Prior to that, had the Chamber of Commerce of Kansas City asked for the resignation of any of the commissioners?

Mr. CHAMBERS. Well, not that I know of. They talked to Cohn and myself, but didn't ask for it. They did in regard to the, they talked to us and asked us whether we were or not going to resign, and we made the statements we were not, and they said to us, "We don't blame you." That is about the meat of it.

Mr. HALLEY. When you say "they talked to us," who was it that talked to you?

Mr. CHAMBERS. Mr. Waters, who is the president of the chamber of commerce.

Mr. HALLEY. Albert Waters?

Mr. CHAMBERS. Yes.

Mr. HALLEY. Who else?

Mr. CHAMBERS. It is hard to recall the others right off the bat. Well, anyway, there were four of them in the Kansas City Club when they talked to me.

Mr. HALLEY. Did they talk to anybody, any of the other commissioners, besides you?

Mr. CHAMBERS. Well, that evening they had Cohn come down and talked to him, too, at the same time. They talked to me during the day, and then they had come over that evening and talked to him.

Mr. HALLEY. That was Robert Cohn?

Mr. CHAMBERS. Yes.

Mr. HALLEY. You two hold-over appointees refused to resign?

Mr. CHAMBERS. Absolutely.

Mr. HALLEY. You were then fired?

Mr. CHAMBERS. That is right.

Senator WILEY. May I put in there? Do I understand that the Governor had asked you to resign, and it was then that you talked with the members of the chamber of commerce?

Mr. CHAMBERS. No; the chamber talked to us first.

Senator WILEY. Did they have any idea that the Governor was going to ask you to resign?

Mr. CHAMBERS. Well, I don't know that exactly; but, except from what the conversation was, I think they did. They had been down there, I understood, to see him, to talk to him.

Senator WILEY. All right.

The CHAIRMAN. I think the record shows there were two letters written by the chamber of commerce to the Governor, which were made exhibits in our closed hearings.

Mr. CHAMBERS. I think you are right there.

The CHAIRMAN. They should be brought out there.

Mr. HALLEY. Shortly after Governor Smith was elected and took office in January of 1949, did you have a discussion with Binaggio?

Mr. CHAMBERS. Yes; it was after he was elected. I don't remember exactly the dates, but it was after he was elected Governor.

Senator WILEY. What was the time and place?

Mr. CHAMBERS. What did you say?

Senator WILEY. Where was the place—time and place?

Mr. CHAMBERS. In the lobby of the President Hotel.

Mr. HALLEY. Would you say it would be in the month of February 1949?

Mr. CHAMBERS. I would say it was around that—February or March. It was real shortly afterward. I don't remember.

Mr. HALLEY. At whose request was the discussion? Did Binaggio telephone you?

Mr. CHAMBERS. He telephoned me and asked if he could see me. I was a public official; anybody could see me.

Mr. HALLEY. What else was that discussion on the telephone?

Mr. CHAMBERS. That was all he said over the phone.

Mr. HALLEY. Was there any discussion about the place of the meeting?

Mr. CHAMBERS. Well, he spoke, he wanted to come up and see me. I said, "I will meet you in the lobby and talk to you there."

Mr. HALLEY. That is at the President Hotel where you live?

Mr. CHAMBERS. That is right.

Mr. HALLEY. Did you meet him in the lobby? What happened?

Mr. CHAMBERS. I met him in the lobby, and he asked me about changing the chief of police and a couple of captains, transferring them.

Mr. HALLEY. Did he give any reason?

Mr. CHAMBERS. No; none whatever except that he thought the change would be good and right and should be done and so forth.

Mr. HALLEY. Who was then chief of police?

Mr. CHAMBERS. Henry W. Johnston.

Mr. HALLEY. Who were the captains he wanted to be replaced?

Mr. CHAMBERS. Captain Kircher and—he didn't want to replace them; he wanted to transfer them from the districts they were in.

Mr. HALLEY. Captain Kircher was in charge of the downtown district?

Mr. CHAMBERS. Yes; the No. 1 district.

Mr. HALLEY. Is Chief Johnston still in charge of the police force?

Mr. CHAMBERS. Yes.

Mr. HALLEY. Did he ask you whether you would—who was the other captain?

Mr. CHAMBERS. Captain—well, all these things I can't remember in my head very clearly.

If you would call the name, I could tell you in a minute. If I could see the roster——

Mr. HALLEY. Perhaps it will come out later.

Mr. CHAMBERS. Yes; I think it will. There were others.

Mr. HALLEY. Did he ask you whether you were going to play along with him or not, at that time?

Mr. CHAMBERS. I don't think at that time he did. That was asked later, but not at that time.

Mr. HALLEY. Did he say anything about seeing Governor Smith?

Mr. CHAMBERS. Did he?

Mr. HALLEY. About your seeing the Governor?

Mr. CHAMBERS. Yes.

Mr. HALLEY. What did he say?

Mr. CHAMBERS. He asked if I had been down to see him yet. I told him I had not.

Mr. HALLEY. Did he say anything about your going to see him soon?

Mr. CHAMBERS. Later—this was sometime after that; I don't know how long—I had a letter from Governor Smith asking me to come down; that he would like to talk with me.

Mr. HALLEY. This was at a later time?

Mr. CHAMBERS. Yes.

Mr. HALLEY. Let's try to finish the first conversation in the lobby of the President Hotel.

Mr. CHAMBERS. Okay.

Mr. HALLEY. Did you make any suggestion at that time that he put the proposed suggestions in writing?

Mr. CHAMBERS. Yes. There were a few other changes he wanted, too—minor changes. I have forgotten now. I said, "If you will put everything you want to do in writing, what you want done down there, and bring it to me so I can see it, I will do it." At first he said "Yes." Then in a few minutes he said, "No; I wouldn't do that."

Mr. HALLEY. Did he ask you if you would meet with Farrell, the other commissioner?

Mr. CHAMBERS. Yes.

Mr. HALLEY. What did you say to that?

Mr. CHAMBERS. I told him there wasn't any use to have a meeting, but that I would if he thought it was necessary and wanted it done. It would be perfectly all right with me, but I didn't see any use for it.

Mr. HALLEY. Did you at that time ask him why he didn't want Tuck Milligan at that meeting?

Mr. CHAMBERS. I believe I asked him later on, not at that meeting; no. It was at a later meeting.

Mr. HALLEY. What was that conversation at the next meeting?

Mr. CHAMBERS. At the next meeting I asked him, "Why don't you have the president of the board here?"

Senator WILEY. Where was that meeting—the time and place of that meeting?

Mr. CHAMBERS. I think it was at the same place later on, in the lobby of the hotel.

Senator WILEY. Two days later, you mean?

Mr. CHAMBERS. Oh, no; it was 3 or 4 weeks later, maybe a month later. It was a good deal later than that.

Senator WILEY. Did he make an appointment or did you?

Mr. CHAMBERS. You mean——

Senator WILEY. The second meeting.

Mr. CHAMBERS. Yes; he made the appointment.

Senator WILEY. All right.

Mr. HALLEY. Shortly afterward, did you receive another call from Binaggio?

Mr. CHAMBERS. Yes.

Mr. HALLEY. What did he say to you on the telephone?

Mr. CHAMBERS. Binaggio said he would like to have us get together. I said, "Who did you mean?" He said, "You and Farrell and Milligan."

I said, "Well, come on down anytime you want to. That is perfectly satisfactory."

He came down, but when he came he was by himself. He said then: "I would like to arrange for you to have a meeting with Farrell and myself."

I said, "That is perfectly satisfactory if you want it, but I don't see any use of having it."

I said, "What about the president of the board?"

He said, "Well, we don't have to worry about him."

Senator WILEY. Pardon me. This was the second conversation you are talking about?

Mr. CHAMBERS. Yes.

Senator WILEY. Was it clear that in the second conversation he wanted the meeting for the purpose that he enunciated in the first conversation?

Mr. CHAMBERS. I think it was.

Senator WILEY. And that was to have these officials removed?

Mr. CHAMBERS. That is right.

Senator WILEY. That is clear in your mind?

Mr. CHAMBERS. Very clear.

Senator WILEY. Can you tell us briefly why Binaggio should be considered so significant as to be able to tell you people to have him removed and why you gave consideration to it?

Mr. CHAMBERS. I don't think—he didn't ask that he be removed. He asked him to be transferred to other districts, you see. That was what he asked. The reason for it, I believe—I don't know this—was that these fellows wouldn't perform; that is all. He wanted to get them in another district.

The CHAIRMAN. All right, Mr. Halley.

Mr. HALLEY. Then, a matter of a short while afterward, did you receive a telephone call from Binaggio relating to a letter from the Governor?

Mr. CHAMBERS. Yes.

Mr. HALLEY. Would you place the time?

Mr. CHAMBERS. Place the time?

Mr. HALLEY. Yes. Was it after the second meeting?

Mr. CHAMBERS. Oh, yes. It was some time during the summer.

Mr. HALLEY. Of 1949?

Mr. CHAMBERS. Yes, sir.

Mr. HALLEY. What was said on that telephone conversation?

Mr. CHAMBERS. I had a letter from the Governor asking me to come down at a certain time or if I couldn't at that time, to come later, that he would like to talk to me. Binaggio called me 2 days before I got the letter and told me I was going to get a letter and the Governor was going to have me down there.

Mr. HALLEY. Did he say anything else to you at that time on the telephone?

Mr. CHAMBERS. He said, "I think you will be taken care of." That is what he said.

Mr. HALLEY. Can you explain that? What did that mean to you?

Mr. CHAMBERS. When I went down to Jefferson City I went up to a certain office there, and I said "I guess it looks like I am going to get out, because I have a letter here from the Governor, and I said—"

Mr. HALLEY. Who are you saying this to in Jefferson City?

Mr. CHAMBERS. I talked to M. E. Morris, State treasurer, in his office. I said, "It looks like maybe I am going to have to get out or be fired."

I said, "It is because Binaggio called me and told me I had this letter and I was going to get one and in 2 or 3 days I got it. When I went down there I told the Governor, I said, "Well, maybe there is a leak in your office."

I said, "Binaggio knew about this before I came down."

He said, "No; I don't think there is a leak in my office."

I said, "There is a leak somewhere, because he knew about the letter and I got it 2 days later."

He said, "I can't understand, that is all." That is what he said.

Mr. HALLEY. What was the remainder of your conversation with Governor Smith? You placed this conversation during the summer of 1949.

Mr. CHAMBERS. Yes.

Mr. HALLEY. And it was at the Governor's office in Jefferson City.

Mr. CHAMBERS. That is right.

I told him—he asked me about conditions. I said, “Different things,” and I told him the whole story of everything, how things were going on and that he could help us in this way and that way, certain things. I gave the whole story to him, in other words. You know.

Mr. HALLEY. What was the whole story that you gave the Governor?

Mr. CHAMBERS. I told him the pressure was being put on us very sincere, very much trying to get us to do these things and we weren't doing them and we weren't going to do them, at least I wasn't going to do them, and I didn't believe one of the other commissioners on there would.

I said, “I feel that you know the whole entire story now.” That is about all the conversation. I was in there about an hour, I imagine, or an hour and 15 minutes.

Mr. HALLEY. Did you tell him that the policemen were not able to do a good job because they were uneasy about whether they would stay in their positions?

Mr. CHAMBERS. I did; I did.

Mr. HALLEY. Did you tell him that the politicians were telling the policemen that they were going to be fired?

Mr. CHAMBERS. I did.

Mr. HALLEY. Did you tell him that he had had you down to fire him and that you refused to do it?

Mr. CHAMBERS. Yes.

Mr. HALLEY. Just what did you say?

Mr. CHAMBERS. I said, “Governor, if you are on the spot, all you have to say is that you asked me to resign and I wouldn't resign.” I said, “I don't intend to. Of course, you have the privilege of firing me any time you wish.”

Mr. HALLEY. What happened next during the week following this conversation? What did the Governor say? What was the result of your conference?

Mr. CHAMBERS. The Governor didn't say a thing.

Mr. HALLEY. During the week following your conference with the Governor, what transpired?

Mr. CHAMBERS. Could you bring my memory up a little on that?

Mr. HALLEY. Did you receive any phone calls or threats?

Mr. CHAMBERS. Oh, yes. We received at least I did, rather, not very regularly, once a week or something, two or three times. It didn't mean anything. I mean those threats didn't worry me.

Mr. HALLEY. What kind of threats were they?

Mr. CHAMBERS. They would call me on the phone in the office and tell me I had better get in line.

Mr. HALLEY. Who would call you?

Mr. CHAMBERS. I don't know.

Mr. HALLEY. They were anonymous?

Mr. CHAMBERS. Yes. That is why I didn't pay any attention to them.

Mr. HALLEY. But they came regularly?

Mr. CHAMBERS. It was always one or two a week.

Mr. HALLEY. Did you get letters—

Mr. CHAMBERS. No; no mail.

Mr. HALLEY. Did any businessman ever come to you and say he would agree to talk to you?

MR. CHAMBERS. Yes; one did. He came to me and told me he had a proposition for me, but he hated to give it to me and so forth and so on, because he knew that I wouldn't take it.

MR. HALLEY. Who was it and when and where did this occur?

MR. CHAMBERS. This occurred—I think it was in my room that it happened. He said, "Do you want to make fifty or seventy-five thousand?"

I said, "No; that is too much." I said, "Where did it come from?" He told me it came from some man, a friend of his, not a friend. He said some man told him he had to come over and see me and make this offer to me. He said "I told him it would be useless, but I am making it anyway, and I am through with it."

I said, "You just tell him anything you wish, but I am not interested."

MR. HALLEY. Who was it that you had this conversation with?

MR. CHAMBERS. Dean.

MR. HALLEY. Wilbur Dean?

MR. CHAMBERS. Yes; Wilbur Dean.

MR. HALLEY. Who sent him to you?

MR. CHAMBERS. He told me a friend of his did.

MR. HALLEY. Did he mention who it was?

MR. CHAMBERS. No; he didn't mention the name at the time. No; he didn't mention the name. I don't know positively who the man was, but he does. I don't.

MR. HALLEY. Did Dean say that great pressure had been brought on him to come to you?

MR. CHAMBERS. Yes; that is right. He said, "I don't want to do this, and I told him I shouldn't, but I am doing it anyway."

I said, "That is all right. It doesn't hurt a thing."

MR. HALLEY. What happened as a result of this conference, anything at all?

MR. CHAMBERS. How do you mean?

MR. HALLEY. Was there any aftermath of your conversation with Dean?

MR. CHAMBERS. No. Except that I got a phone call. I imagine somebody knew about it. They said I was going to be sorry I didn't agree on Dean's—I don't know who it was, they didn't say, on Dean's offer.

MR. HALLEY. Did you have another meeting with Binaggio after you saw the Governor?

MR. CHAMBERS. I don't believe I did. I don't remember if I did.

MR. HALLEY. Some time later when did you next see Binaggio?

MR. CHAMBERS. Oh, I would say—I can't tell you exactly.

MR. HALLEY. Was it several weeks or a month later?

MR. CHAMBERS. Yes, some time after that.

MR. HALLEY. When you had seen the Governor you told him about your conversations with Binaggio, did you not?

MR. CHAMBERS. Yes; I told him the whole story.

MR. HALLEY. And about the pressure Binaggio had brought to bear to change the police chief?

MR. CHAMBERS. That is right.

MR. HALLEY. Then it was a month or 6 weeks later that you saw Binaggio again?

Mr. CHAMBERS. I think it came up about this place on the State line. He said. "We are not going to be in Missouri. It is going to be in Kansas, and you don't have to worry about it."

Mr. HALLEY. Would you first state how you happened to have a talk with Binaggio? Where did you see him and under what circumstances? Was it at the Phillips Hotel?

Mr. CHAMBERS. Oh, yes; that is right. Yes, Phillips Hotel; that is right. That is where it happened.

Mr. HALLEY. Had you asked to see Binaggio or had he asked to see you?

Mr. CHAMBERS. No; Binaggio asked to see me. We were down there and saw him. That is the way the conversation was brought up about this State Line thing.

Mr. HALLEY. What did he want you to do about the State Line?

Mr. CHAMBERS. He just didn't want any interference down there because it would not be in Missouri. It would be strictly in Kansas.

Mr. HALLEY. What was the State Line?

Mr. CHAMBERS. A gambling house.

Mr. HALLEY. Located where?

Mr. CHAMBERS. Well, it was located, the best part in this way, on Southwest Boulevard, was in Kansas, and there was a small part in the back in Missouri. We made them put up a partition in there in that part so they couldn't get through, but they had a door there that they could. Before this we were watching it pretty closely. That was when the ex-Governor Phil Donnelly, was in. We found where they moved over just one night there. We happened to raid them and took their chips and table. I think that is still in the police department, all the Greenhill chips were taken, which were very valuable, and the table was valuable. I think that is still in the police department now.

Mr. HALLEY. At that time did you know who operated the State Line?

Mr. CHAMBERS. No; I did not.

Mr. HALLEY. Did you ever find out who operated the State Line?

Mr. CHAMBERS. Well, not for sure. I have no knowledge except hearsay, that is all.

Mr. HALLEY. Did you know that Binaggio himself had an interest in the State Line?

Mr. CHAMBERS. Well, I just judged from hearsay and what he said that he did. I didn't know it; no.

Mr. HALLEY. You mean his conversation with you was more than that of an interested politician?

Mr. CHAMBERS. That is right.

Mr. HALLEY. It sounded as though he was talking about his own business?

Mr. CHAMBERS. That is right.

Mr. HALLEY. Did he say anything more about the control of the police department at this meeting at the Phillips Hotel?

Mr. CHAMBERS. Pretty nearly every time he said something about it, but I can't recall exactly.

Mr. HALLEY. Was this the conversation in which he said something about having something or someone in his organization to represent the organization in police matters.

Mr. CHAMBERS. Oh, yes; that is right. I remember now.

Mr. HALLEY. Just what happened?

Mr. CHAMBERS. He said that McKissick would come back and represent him from then on. So Henry McKissick came down to see me one time in the lobby of the hotel after that to talk to me.

Mr. HALLEY. Did he mention Eddie Spitz in that connection?

Mr. CHAMBERS. He didn't to me, but he did to some others. I was told that, at least.

Mr. HALLEY. Did you at the conclusion of that conversation advise Binaggio with reference to this appointment of McKissick to represent him in police matters?

Mr. CHAMBERS. Advise him, did you say?

Mr. HALLEY. Yes. Did you tell him whether it was a good idea or a bad idea?

Mr. CHAMBERS. No; I never mentioned that.

Mr. HALLEY. Did you tell him whether you wanted to see Binaggio again?

Mr. CHAMBERS. No.

Mr. HALLEY. You said nothing about that?

Mr. CHAMBERS. No.

Mr. HALLEY. Did you have any talks with members of the chamber of commerce about these conversations?

Mr. CHAMBERS. Yes; I have had conversations with three or four there.

Mr. HALLEY. This was during the time you were up there talking about it?

Mr. CHAMBERS. Yes; that is right.

Mr. HALLEY. Just what happened? Will you tell the committee?

Mr. CHAMBERS. I told them what was going on and how the police department was not in the best condition because the boys wanted to keep their jobs and didn't know whether they were going to keep them or not or what was going to happen if they didn't lay off this or lay off that, things along that line. You understand what I mean. It wasn't good. In other words, the morale of the police department wasn't as good as it should be.

Mr. HALLEY. Was any action taken by the chamber of commerce?

Mr. CHAMBERS. Not until after Binaggio was killed.

Mr. HALLEY. You have mentioned that Binaggio wanted Chief Johnston removed. Did he have a proposed appointment by the name of Joe Brown?

Mr. CHAMBERS. Braun, isn't it?

Mr. HALLEY. B-r-a-u-n.

Mr. CHAMBERS. That is right; yes.

Mr. HALLEY. You pronounce it Braun?

Mr. CHAMBERS. I think it is Braun.

Mr. HALLEY. Had Braun formerly been a captain in the police department?

Mr. CHAMBERS. Yes; before my time.

Mr. HALLEY. He had been removed, hadn't he?

Mr. CHAMBERS. Yes.

Mr. HALLEY. Was that because of charges that he had had a crap game going on in his station house?

Mr. CHAMBERS. I don't know. I didn't look his record up, except the investigation I made that he wasn't a man for the chief of police. I didn't know him at all.

Mr. HALLEY. You had no personal knowledge of the circumstances?

Mr. CHAMBERS. None whatever, because it was before I went on the board, and before I knew about it.

Mr. HALLEY. Was Braun's name actually ever brought before the board?

Mr. CHAMBERS. No, never that I know of.

Mr. HALLEY. Was the name of another man named Higgins brought up before the board?

Mr. CHAMBERS. Yes.

Mr. HALLEY. What happened in that connection?

Mr. CHAMBERS. The president of the board, Mr. Milligan, asked us to go along and put him in there as superintendent under the police board, that he would solve some of these crimes and he would not interfere with the chief, because he was too old to be a chief of police.

Mr. HALLEY. Had he formerly been chief of detectives?

Mr. CHAMBERS. Yes.

Mr. HALLEY. Had he had an outstandingly good record?

Mr. CHAMBERS. Well, I will be very truthful. I didn't look his record up and I can't tell you. So far as I know, he did, so far as I know.

Mr. HALLEY. Milligan wanted Higgins back in order to solve some of the great number of unsolved murders, is that right?

Mr. CHAMBERS. That is right.

Mr. HALLEY. He wanted him on the police staff, did he not?

Mr. CHAMBERS. That is right.

Mr. HALLEY. Finally there was a compromise made?

Mr. CHAMBERS. A compromise made that we take him in under the police commissioners.

Mr. HALLEY. How did that appointment work out? Did you keep Farrell very long?

Mr. CHAMBERS. You mean Higgins.

Mr. HALLEY. Higgins, yes.

Mr. CHAMBERS. Yes; we kept him, I imagine; I don't know exactly the date. It must have been a year, though.

Mr. HALLEY. A day came when Milligan resigned?

Mr. CHAMBERS. That is right.

Mr. HALLEY. Didn't the rest of you fire Higgins?

Mr. CHAMBERS. That was before he resigned, though. The new appointment was made in Farrell's place, Hunter, and at that meeting that afternoon Hunter made a motion that we do away with that job which Cohn and myself agreed with and went along with. After that meeting, that is when Milligan resigned.

Mr. HALLEY. Had Higgins solved any of these murders?

Mr. CHAMBERS. Not that I know of.

Mr. HALLEY. Binaggio was killed in April of 1950, is that right?

Mr. CHAMBERS. That is right.

Mr. HALLEY. April 6, I believe. Did you see Governor Smith shortly after Binaggio was killed?

Mr. CHAMBERS. I don't remember.

Mr. HALLEY. Do you recall his coming to Kansas City and coming to your hotel room?

Mr. CHAMBERS. Oh, that was some time after that. Yes, he came to Kansas City and phoned me before he left Jefferson City and asked

me to hide him out, that he didn't want to be seen in public by anyone, so I called the chief of police and had him go down and meet him at the train and he met him downstairs where the trains come in. He brought him to the hotel. We slipped him in the back way.

Mr. HALLEY. Before we go further with this meeting, I would like to place the time. You resigned in June of 1950, is that right?

Senator WILEY. May 1950.

Mr. CHAMBERS. Yes; May 1950.

Mr. HALLEY. And the murder was April 6, 1950?

Mr. CHAMBERS. Yes.

Mr. HALLEY. So it was between those two dates that the meeting took place?

Mr. CHAMBERS. Yes; it was.

Mr. HALLEY. How long was it before you were fired did this meeting take place?

Mr. CHAMBERS. I think we were fired in May. I think. I am not sure. I don't exactly remember the dates.

Mr. HALLEY. It was May of 1950.

Mr. CHAMBERS. Yes.

Mr. HALLEY. This was just before you were fired, is that right?

Mr. CHAMBERS. About 4 or 5 days he was up here, and I had this meeting with him.

Mr. HALLEY. What happened at the meeting? What did Governor Smith say?

Mr. CHAMBERS. He came to me that night when he came in. I had just gotten out of the hospital and wasn't leaving my room.

Senator WILEY. Can I get this straight. Binaggio was killed April 6. Then 2 weeks after that the Governor came up and met with the witness, as I understand it, in his hotel room. Then it was some time after that that you were dismissed, is that right?

Mr. CHAMBERS. No; I think, Senator, he came up in May.

Senator WILEY. I understand, but I am trying to find out whether you had a conversation with him before you were dismissed in May.

Mr. CHAMBERS. Yes; I had a conversation with him.

Senator WILEY. In your hotel room.

Mr. CHAMBERS. That is right.

Senator WILEY. After Binaggio was killed?

Mr. CHAMBERS. That is right.

Senator WILEY. Then it was after that conversation that you were dismissed?

Mr. CHAMBERS. That is right.

Senator WILEY. Very well.

Mr. HALLEY. Now, will you go ahead with the conversation in your hotel room?

Mr. CHAMBERS. He came in that night, and I had the chief meet him and bring him up to the hotel. He took him in the back way. I got a suite and registered him. Everybody was trying to find out whether or not he was here. There were a few who knew it, but not very many.

Mr. HALLEY. What did the Governor say to you and what did you say to him? Do you remember the conversation?

Mr. CHAMBERS. Yes. He said to me, "I think that we can straighten this out. You have a good police department and I believe every-

thing will be all right." He said, "I am going to investigate tomorrow."

SENATOR WILEY. By "straighten out this," do you mean Binaggio's murder?

MR. CHAMBERS. No, the morale effect of the police department wasn't good and he said, "I believe we can straighten it out."

MR. HALLEY. There was a huge public outcry at that point, too. There was a lot of public sentiment.

MR. CHAMBERS. Yes; there was.

MR. HALLEY. Didn't he tell you there was pressure on him to fire certain of the police commissioners?

MR. CHAMBERS. Yes; plenty of pressure.

MR. HALLEY. To fire whom?

MR. CHAMBERS. He said "The pressure has been brought on me to get rid of both the other commissioners."

MR. HALLEY. By "both of the other commissioners," do you mean Farrell and Milligan whom he had appointed?

MR. CHAMBERS. That is right. He told me, "Milligan has been a friend of mine for years. We were raised down there together, and I don't want to let him go." He said, "It looks like I will have to ask Farrell to resign." He said, "That may settle everything, I don't know."

The next day he was busy all day up in his suite. I didn't see him until that night, when he called me and says, "I will be down and have dinner with you." I said, "All right."

So he came down and had dinner, just the two of us. That is when he told me, "Well, I think everything will be all right." He was speaking of the police department and the commissioners.

MR. HALLEY. Had you been an old friend of Governor Smith yourself?

MR. CHAMBERS. No.

MR. HALLEY. Had you had dinner with him prior to this one?

MR. CHAMBERS. Oh, yes, a lot of times, that way. I have known him for years, but I mean we were never close friends, no.

MR. HALLEY. What happened at this dinner on the next day?

MR. CHAMBERS. Well, he called the chief and all of us up there, and he asked me if I could possibly dress and come up. I said, "If you think it is necessary, I will do it."

MR. HALLEY. You had been ill, is that right?

MR. CHAMBERS. Yes. He said, "We are going to make a statement, and I would like for you to back me up." I said, "Well, I will be up there."

He had all the commissioners and the chief, and he made the statement, after a few corrections that we wanted corrected in there in regard to the police department.

THE CHAIRMAN. I did not understand that.

MR. CHAMBERS. A few corrections we made in there, in the statement he made, before he made it in the statement. In that was the fact that I think he had some records there of what they had done, which were wrong. We corrected them. Then he made the statement, and he had asked the commissioners to endorse his statement, which we did.

MR. HALLEY. Next you said the police department was a good police department?

Mr. CHAMBERS. That is right.

Mr. HALLEY. Had you not yourself told them the day before that the police department would be all right except that the gangsters were trying to run it?

Mr. CHAMBERS. I don't know whether I used the word "gangsters" or not, but I used a word similar to that, something in that way. All these other boys are trying to run the police department and tell the police what to do. The police are up in the air and don't know what to do. They are scared. They want to keep their jobs and it just looks like—he said, "Well, wait until the Governor makes a new appointment to the board. He will tell you all what to do."

Senator WILEY. Who do you mean by "all of these boys"?

Mr. CHAMBERS. I mean I would say politicians and that class of people.

Senator WILEY. Have you got some of those here?

Mr. CHAMBERS. Well, we used to have.

Mr. HALLEY. In fact, your fellow commissioner, Farrell, was very active in campaigning for Governor Smith, was he not?

Mr. CHAMBERS. Yes.

Mr. HALLEY. And did he not campaign frankly and openly on the basis of opening up the town to gambling?

Mr. CHAMBERS. Well, of course, it was known that that was the talk all over town, but of course I don't know that, no. I mean I don't know whether it is true.

Mr. HALLEY. The report then was put out in May of 1950 just before you were discharged, is that right?

Mr. CHAMBERS. What report is that?

Mr. HALLEY. Saying that the police department was all right, the Governor's statement.

Mr. CHAMBERS. Yes. That is when he made the visit down here to me.

Mr. HALLEY. And you did endorse that?

Mr. CHAMBERS. Yes.

Mr. HALLEY. And did that succeed in taking the pressure off for your resignation?

Mr. CHAMBERS. No.

Mr. HALLEY. What happened next?

Mr. CHAMBERS. He went back down. The chamber of commerce sent a delegation to call on him. That is when they came back from Jefferson City and then they sent for me to come up to the Kansas City Club and have this meeting with them, which I did. That is when they told me that the good idea would be if we resigned, but they was not going to ask us to. Well, I said, after talking to me during the day, I said, "I haven't any reasons, that I don't want to resign under pressure. There is nothing I am worried about. He can fire me. He has the privilege."

So then they said to me, that committee who was up there, four of them, "We don't blame you. You haven't any reason that you should resign."

Mr. HALLEY. And then what happened next? Did he discharge you?

Mr. CHAMBERS. Did what?

Mr. HALLEY. Did he discharge you?

Mr. CHAMBERS. Yes. He wrote us a letter and told us that if we didn't resign he would like for us to resign, but if we didn't resign, he would have to fire us.

Mr. HALLEY. Prior to the Governor's statement endorsing the police department as a good department, is it not a fact that Chief Johnston put out a bulletin to the force criticizing his own department?

Mr. CHAMBERS. Well, there was such a bulletin put out, but I can't recall when it was, but I know there was a bulletin went out to that effect.

Mr. HALLEY. Are you familiar with the bulletin of February 27, 1950, in which Johnston stated, and I will quote it—

Increases in crime, falling off in arrests, and decreases in suspects have followed let-down in field activity. Responsibility for this condition rests with the patrolmen who are failing in their duty, the field sergeants who are not requiring full police duty from the men in their command, and the district commanders who are not close with what is going on. Disciplinary action for neglect of duty is the inevitable result. All ranks will be guided accordingly in the performance of their duty. Clearance of major crimes are far below what they should be, indicating detectives and plain-clothes men are falling down in their investigative work.

Mr. CHAMBERS. That is right. I remember that.

Mr. HALLEY. Was there any discussion of that at the time that the commissioners endorsed the police force?

Mr. CHAMBERS. No, that was never brought up. That bulletin was never mentioned at all.

Mr. HALLEY. This bulletin came out just a week before Binaggio was murdered, is that right?

Mr. CHAMBERS. That was not mentioned at all at the meeting.

The CHAIRMAN. Senator Wiley, any questions?

Senator WILEY. Yes, I have a few that have been suggested to me here by this examination.

I presume that you have never got the answer to the Binaggio-Gargotta murders, have you?

Mr. CHAMBERS. No, not while I was on there, and I don't think they have now.

Senator WILEY. What was it that gave Binaggio such a stature that he could come to the police commissioners and virtually try to deal with them?

Mr. CHAMBERS. Well, he was the head of a faction here which was supposed to be, he supported the Governor, of course, when he ran, and his faction did, and some of the other factions were against him, and of course when he went in as Governor, that put that faction in power, at least that is what they thought.

Senator WILEY. Some of us who live up in the pure atmosphere of the north of Wisconsin, we always thought there was a Pendergast political regime down there. Now you have got a Binaggio political machine, is that right?

Mr. CHAMBERS. Well, I think that one is gone now, the Binaggio machine. I think it has gone back to Pendergast.

Senator WILEY. You mean that when he was rubbed out, it went to pieces?

Mr. CHAMBERS. I think, yes, I would say so.

Senator WILEY. Was he connected, and I am asking more or less now for your judgment based on your acquaintanceship or the infor-

mation that you obtained during the 4 years as police commissioner, was he acquainted with anything that tied up in your judgment with interstate crime, Binaggio?

MR. CHAMBERS. Well, from our records, yes, from what I heard, just from the police department; you understand we have no records of it, but what we heard there, it was connected with a lot of them outside.

SENATOR WILEY. We have heard considerable of the Sicilian Mafia. Was he connected with them?

MR. CHAMBERS. That I don't know about. I never saw the records on that at all, so I could not tell you that.

SENATOR WILEY. Have you any explanation why two such murders have not been cleared up?

MR. CHAMBERS. Well, from the records of all police departments, as far as I know in America, there are very few gang slayings that have ever been solved.

SENATOR WILEY. Well, then, you classify him as a gangster and what was his business that he profited from?

MR. CHAMBERS. Well, I could not answer that, Senator, truthfully, because I do not know his record, except we knew he had gambling places, you know those things, but I don't want to go on record as saying, because I don't know. I don't know how he made his money.

SENATOR WILEY. When you were a commissioner of the department there, you had knowledge that there was this interstate connection with Mafia, possibly, Chicago and elsewhere, did you not?

MR. CHAMBERS. Yes, we heard that.

SENATOR WILEY. And you figured that Binaggio was the kingpin here in Kansas City?

MR. CHAMBERS. That is our impression.

SENATOR WILEY. Of that organization.

MR. CHAMBERS. That was our impression.

SENATOR WILEY. Because of that kingpin station that he had, he had a first political power.

MR. CHAMBERS. That is right.

SENATOR WILEY. And you say that he dealt with the Governor of this State?

MR. CHAMBERS. That is right.

SENATOR WILEY. And the Governor of the State, let us get this in sequence, Binaggio was murdered; it was after that that you were ordered to resign?

MR. CHAMBERS. Yes, sir.

SENATOR WILEY. What explanation, if he had power with the Governor, why weren't you ordered to resign before?

MR. CHAMBERS. That I couldn't tell you, except that didn't any of them get very brave about us resigning or anything else until after Binaggio was dead.

SENATOR WILEY. You must, when he asked you to transfer these two captains, you must have known that the purpose of that was obvious, that he wanted to get them whom you considered honest captains out of certain districts?

MR. CHAMBERS. Sure.

SENATOR WILEY. In order that he could carry on his nefarious business; is that right?

MR. CHAMBERS. That is right, yes.

Senator WILEY. And that you refused to do?

Mr. CHAMBERS. Absolutely.

Senator WILEY. Well, now, in your conversation with the Governor, did he tie up any requests from Binaggio that he had been requested by Binaggio to ask you to do this?

Mr. CHAMBERS. No, he never mentioned that to me.

Senator WILEY. Well, did he ask you to transfer them?

Mr. CHAMBERS. The Governor?

Senator WILEY. Yes.

Mr. CHAMBERS. No, never said a word about it.

Senator WILEY. What did he want to see you about?

Mr. CHAMBERS. I told him about it but he didn't say anything about it. I have never been able to find out what it was he wanted to see me about. I will be truthful.

Senator WILEY. You jumped the gun on him, then?

Mr. CHAMBERS. I guess.

Senator WILEY. You assumed it was?

Mr. CHAMBERS. That is so.

Senator WILEY. And he said nothing to confirm your assumption or disabuse you of the correctness of it?

Mr. CHAMBERS. That is right, none whatever.

Senator WILEY. After Binaggio had been rubbed out, and he came into the city here, you said incognito almost?

Mr. CHAMBERS. Correct.

Senator WILEY. And came up to your room, what was the real object of that meeting?

Mr. CHAMBERS. Well, he told me, that all I know is from what he told me, he said pressure had been brought on him to remove some of the police commissioners.

Senator WILEY. Were you included?

Mr. CHAMBERS. He said not, but I don't know what about it. He said not.

Senator WILEY. Did he mention the pressure group, the pressure individuals?

Mr. CHAMBERS. He did not mention who was bringing the pressure except at that time, that day, the mayor of this city was down there to see him, Mayor Kemp, and that was on a Thursday, a Thursday night, or Thursday noon, rather, he called me and told me, "I am coming in on the 9 o'clock train and I don't want anybody to know I am there; can you take care of it?" I says, "We will try," and Mayor Kemp, I think, got back about 6 o'clock that evening from Jefferson City, and he came in at 9, and he had some meetings no doubt, he had a suite upstairs, he had some meetings, I guess, with people that he wanted to talk to. I don't know who he talked to. I have no idea in the world. I did not see him all that day until evening when he called me and asked me to wait, he would be down for dinner.

Senator WILEY. How much time intervened between the time that, what you call him, Binaggio, was killed, and the time you were forced to resign or were dismissed?

Mr. CHAMBERS. Mr. Halley, you can give me that date. I don't know what it was. It was in April. This other was May.

Mr. HALLEY. Yes.

Mr. CHAMBERS. April to May.

Senator WILEY. What steps were taken by the police commissioners and others to apprehend the murderers of Binaggio?

Mr. CHAMBERS. We did everything we could, the police did.

Senator WILEY. You have never been able to tie up that murder?

Mr. CHAMBERS. Never.

Senator WILEY. You have never been able to tie up in any way whether it was done by the Mafia or not?

Mr. CHAMBERS. No. There are a thousand guesses on it. There are other records could show you this and show you that. But there is—no, there has been no tie-up of exactly what could be done.

Senator WILEY. Do I understand that it is your opinion now, that with the passing of Binaggio, that the power of the Mafia here has been diminished?

Mr. CHAMBERS. Well, I don't know, I will be very truthful with you, that they were powerful here.

Senator WILEY. What?

Mr. CHAMBERS. I didn't think they were powerful here. I never did know that they were.

Senator WILEY. Have you seen the evidence of the signs of it being powerful, or whether it has increased?

Mr. CHAMBERS. No, I haven't. In fact, I haven't looked into the evidence since I was off the police board.

Senator WILEY. I think you use the expression that Binaggio said he wanted the police officers to perform. I think you used the word "perform," did you not? I wanted to know just what did you mean by that? Tell me just what you thought he meant by the word "perform."

Mr. CHAMBERS. Now, I can get that. I can tell you that. I just thought that he wanted those fellows who were in the positions they were in removed, transferred to some other position, because then some captain would have to be brought up who maybe would go along with him.

Senator WILEY. You mean protect the gambling, protect numbers, and protect dope?

Mr. CHAMBERS. That is what I would figure.

Senator WILEY. Horse-race betting, and so forth?

Mr. CHAMBERS. That is what I would say. I don't know that, but I would say that, you know.

Senator WILEY. Have these officers whom they wanted to get rid of, have they been, are they still in positions of trust?

Mr. CHAMBERS. Absolutely.

Senator WILEY. Have they been given due credit for decent performance as officials? Does the public know that now?

Mr. CHAMBERS. Yes, sir.

Senator WILEY. That is good.

Mr. CHAMBERS. The public knows it. I made a statement to that effect.

Senator WILEY. Have you any idea who has taken over the position that Binaggio held as the leader of this machine or political group or whatever you call it?

Mr. CHAMBERS. I don't think anyone else has, so far as I know.

Senator WILEY. Do you know of any connections between here and Chicago?

Mr. CHAMBERS. No, I don't, only hearsay.

Senator WILEY. Well, you have got good hearsay; we will receive it.

Mr. CHAMBERS. I can't say. They have always said that the connections of the bookie places were connected with Chicago. You see, we had raided the bookie places, and then they got an injunction out against us on that, where we could not raid them or anything. They issued an injunction against it.

Senator WILEY. That is all.

The CHAIRMAN. Mr. Chambers, just to get one or two things cleared up.

Mr. CHAMBERS. Yes, sir.

The CHAIRMAN. The officers whom Binaggio asked you to transfer were Captain Kircher and Tobener.

Mr. CHAMBERS. That is right.

The CHAIRMAN. Lieutenant Dennison, head of the vice squad.

Mr. CHAMBERS. That is right.

The CHAIRMAN. And John Bond, the personnel director; is that correct?

Mr. CHAMBERS. No, no.

The CHAIRMAN. Was he not in that?

Mr. CHAMBERS. No; he was not on there at all.

The CHAIRMAN. Anyway, these three officers.

Mr. CHAMBERS. That is right, yes. That is right.

The CHAIRMAN. But the matter was not brought up in the commission; it was not voted on. They were not transferred.

Mr. CHAMBERS. Yes.

The CHAIRMAN. You think they are good officers?

Mr. CHAMBERS. I certainly do.

The CHAIRMAN. He wanted Chief Johnston, the head of the police department, transferred or changed?

Mr. CHAMBERS. Right away.

The CHAIRMAN. And you felt, and it was common knowledge, that the reason that he wanted these things done was to open up the town so that he and his associates could operate their gambling or vice or whatever it might be?

Mr. CHAMBERS. No question about that.

The CHAIRMAN. So the police protection would be to a greater extent, at least, in their hands.

Mr. CHAMBERS. That is right.

The CHAIRMAN. It is well known that that was the purpose, to open up the city.

Mr. CHAMBERS. That is right.

The CHAIRMAN. You speak of the unsolved gang murders. You have had about 30 unsolved gang murders here since 1940, haven't you?

Mr. CHAMBERS. Yes, I think it is. I don't know exactly the number. I don't think any of them have been solved, any of them.

The CHAIRMAN. No gang murders have been solved?

Mr. CHAMBERS. The only thing I think was a shooting here years back where Sheriff Bass happened to be going that way and run into it. That has been years ago.

The CHAIRMAN. I might say that Chief Johnston will appear and we will identify the unsolved murders for the record.

Mr. CHAMBERS. Yes.

The CHAIRMAN. When he is here.

Also, of course, you had the ballot theft, theft of the ballots in the fall of 1948; is that correct?

Mr. CHAMBERS. Yes.

The CHAIRMAN. Or the spring of 1949.

Mr. CHAMBERS. That is right.

The CHAIRMAN. And some people have been sent to the penitentiary in that connection, but the basis of that is still unsolved.

Mr. CHAMBERS. That is right.

The CHAIRMAN. Do you think the police department worked on that hard?

Mr. CHAMBERS. Yes, I do. Of course, that was not really the police job, you know. That is in the courthouse, which is the sheriff's jurisdiction.

The CHAIRMAN. Did the sheriff work on it hard?

Mr. CHAMBERS. I think he did. Everybody did.

The CHAIRMAN. The FBI?

Mr. CHAMBERS. The FBI, everybody that I know of, even the State patrol of the State of Missouri was on it and worked on it.

The CHAIRMAN. To sum up the protests that were made, after Binaggio and Gargotta were killed, which was on April 6, the chamber of commerce took a hand in the matter at that time; isn't that true?

Mr. CHAMBERS. That is right.

The CHAIRMAN. And in order that the record may be clear I have here the first letter of the chamber of commerce to Governor Smith, of April 21, 1950, signed by Albert R. Waters, president, the board of directors of the chamber of commerce, in which he states first—

that Binaggio and Gargotta had been killed, and that these climaxed a very bad situation, and that the board of directors expresses to you, as Governor of the State of Missouri, and to the citizens of Kansas City, its lack of confidence, and especially in J. L. Tuck Milligan, president, and Sherman Farrell, as vice president—

and then after reciting certain things that had gone on, the letter asks that—

the best interests of Kansas City and the safety and well-being of the citizens can best be served by the resignation of all four police commissioners and the appointment of citizens whose standing is such as to inspire the confidence of all of the people.

This whole letter will be made a part of the record, as exhibit No. 7.

(The letter referred to follows:)

APRIL 21, 1950.

HON. FORREST SMITH,

Governor of Missouri, Jefferson City, Mo.

DEAR GOVERNOR SMITH: The board of directors of the chamber of commerce has directed me to communicate to you the action of the board at its special meeting on April 21, 1950, respecting the situation prevailing concerning the police department in Kansas City, climaxed by the murders of Charles Binaggio and Charles Gargotta.

The chamber of commerce exists for the purpose of advancing the prosperity, safety, and well-being of Kansas City and its citizens and promoting its good reputation in the Nation and the world. Acting with these considerations in mind, the board of directors of the chamber of commerce expresses to you as the Governor of the State of Missouri and to the citizens of Kansas City, its lack of confidence in the police commissioners of Kansas City, and especially in Mr. J. L. (Tuck) Milligan, as president, and Mr. Sheridan Farrell, as member.

The bases of this lack of confidence are :

(a) A notable impairment of the morale of police officers.

(b) General knowledge of friendship and open, frequent, and cordial association of Messrs. Milligan and Farrell with Charles Binaggio and with the elements of which Charles Binaggio was leader, and the significance of these associations to the public, to members of the underworld, and especially to police officers.

(c) The appointment of Thomas Higgins as an independent officer responsible only to the board of police commissioners which is destructive of sound police administration and a restraint upon the authority and control of the department by the chief of police.

(d) Reemployment as police officers of a number of men who were former police officers and either, (1) were discharged for cause; or (2) resigned while charges were pending against them; or (3) at the time of reemployment, were overage. In this connection, it should be noted that, in addition to the reemployment of persons previously found unworthy of retention on the department, the present board has reemployed some of these men in grades superior to the grade of police officers eligible for advancement for merit.

(e) The board of directors is informed, and there is a popular belief that a substantial number of police officers were dues-paying members of the political organization of which Charles Binaggio was the head.

While the board of directors believes that the lack of confidence of the public in the police commissioners has come about since Messrs. Milligan and Farrell became members of the police board, and especially since their friendly associations with Binaggio and Binaggio elements have been given such wide publicity, nevertheless, the board of directors of the chamber of commerce feels that there now obtains throughout the community such a serious lack of confidence in the present police commissioners, that the interests of Kansas City and the safety and well-being of its citizens can best be served by the resignation of all four police commissioners and the appointment of citizens whose standing is such as to inspire the confidence of all people.

This board believes you are not aware of the Nation-wide ridicule and shame to which Kansas City and its citizens have been exposed, and we urge you to consider the business damage as well as the moral and social harm which result from this breakdown of police administration. Not living here, you also cannot realize the feeling of lack of safety and protection among our citizens.

The board is mindful of the fact that under the law of Missouri, the sole responsibility for the selection and appointment of members of the Board of Police Commissioners of Kansas City is fixed upon you, and the board appeals to you to secure the resignation of the present members of the police board; and to appoint citizens in whom the community can have full confidence.

The board of directors feels that Mayor William E. Kemp, members of the city council and other citizens, should be commended for their efforts in urging the correction of this deplorable situation.

Respectfully yours,

THE BOARD OF DIRECTORS OF THE CHAMBER OF COMMERCE,
By ALBERT R. WATERS, *President, Chamber of Commerce,*

The CHAIRMAN. That was the beginning. And then later on, April 27, apparently Mr. Farrell resigned, and Mr. Waters, the president of the chamber of commerce, upon the direction of the board of directors, wrote the Governor another letter, specifically calling for the resignation of Mr. Milligan, without mentioning anything about you and Mr. Cohn.

(The letter referred to follows as exhibit No. 8:)

APRIL 27, 1950.

HON. FORREST SMITH,

Governor of Missouri, Jefferson City, Mo.

DEAR GOVERNOR SMITH: The board of directors of the Chamber of Commerce of Kansas City met again today in special session and again gave consideration to the problems respecting the police commissioners of Kansas City. I have been directed by the board to communicate to you the conclusions unanimously adopted by the board at this meeting.

After our letter of April 21 was written to you respecting the police commissioners of Kansas City, the resignation of Mr. Sheridan Farrell was announced and you have acted upon it. In that letter we expressed the belief that the lack of confidence of the public in the police commissioners came about after Messrs. Milligan and Farrell became members of the police board, and especially after their flagrant associations with Charles Binaggio and the elements associated with him were further revealed to the public, and so widely publicized.

Up to this time, no announcement of Mr. Milligan's resignation has been made.

The chamber of commerce has many responsibilities in promoting the welfare of Kansas City and in guarding and promoting the city's good name in the Nation and the world, but this board lists as its major project any action that will aid in removing a shameful blot that now fixes Nation-wide on Kansas City.

We reassert our unanimous opinion that confidence in the board of police commissioners cannot be restored so long as Mr. J. L. Milligan continues as a member of it. We renew our appeal to you to secure his resignation.

Sincerely yours,

THE BOARD OF DIRECTORS OF THE CHAMBER OF COMMERCE,
ALBERT R. WATERS, *President, Chamber of Commerce.*

THE CHAIRMAN. So apparently in the first instance, they thought that the whole board should be cleaned out, and later on they wanted Mr. Farrell and Mr. Milligan out.

MR. CHAMBERS. That is right.

THE CHAIRMAN. Is that about the situation?

MR. CHAMBERS. That is the situation.

THE CHAIRMAN. But the Governor came over, and he thought by getting all of you together and expressing confidence in Chief Johnston and the police department, that that would restore faith, so that the public demand and indignation might be satisfied in that way?

MR. CHAMBERS. That is what he did.

THE CHAIRMAN. But it was found that that did—you and the other Commissioners joined him in his statement.

MR. CHAMBERS. That is right.

THE CHAIRMAN. And you did conscientiously believe that you had a good group of officers, but that there were efforts by Binaggio and his associates to steer them off in the wrong direction, in some instances, is that correct?

MR. CHAMBERS. That is right.

THE CHAIRMAN. But this vote of confidence did not do the work so first Farrell resigned, and that did not solve the matter, there was a continuing demand for Milligan's resignation, and then the Governor just cleaned out all of you.

MR. CHAMBERS. That is right.

THE CHAIRMAN. Is that about the size of it?

MR. CHAMBERS. That is the situation.

THE CHAIRMAN. And I believe in the place of all of you that four well-known and highly respected men have been appointed?

MR. CHAMBERS. You are right.

THE CHAIRMAN. Is that correct?

MR. CHAMBERS. They are.

THE CHAIRMAN. Will you name the name of the president of the board of commissioners?

MR. CHAMBERS. Mr. Hillicks.

THE CHAIRMAN. Who else?

MR. CHAMBERS. You mean all of them?

The CHAIRMAN. Yes.

Mr. CHAMBERS. Kearney, Wornall, Hunter, and George Fisher.

The CHAIRMAN. Were they recommended by the chamber of commerce, or do you know?

Mr. CHAMBERS. Yes; I feel sure they were. I don't know that, but I feel sure they were. I have been told that they were.

The CHAIRMAN. Do you think, Mr. Chambers, that since Binaggio was murdered there has been a substantial effort here on the part of law-enforcement officers and people generally in the creation of the Kansas City Crime Commission, and other activities to do a lot of housecleaning and straightening out yourselves?

Mr. CHAMBERS. I certainly do. I think they have done a very good job.

The CHAIRMAN. I have no further questions.

Mr. HALLEY. Just for the record, you were dismissed on May 4, 1950?

Mr. CHAMBERS. Yes; I imagine that is what it was.

Mr. HALLEY. That is all.

Mr. CHAMBERS. That is when he called me down there and asked me to resign. I would not resign.

Senator WILEY. I think you gave us your conclusion that you felt that because of Binaggio's assistance in the election of Governor Smith, that it would appear that he went to Smith and apparently had a talk with him about putting on pressure, but I want to be fair to the Governor. I appears to me that until after Binaggio's death, he apparently did not put any pressure on any of you up to that time, did he, himself personally?

Mr. CHAMBERS. Never has put any on me.

Senator WILEY. Did he on any of the others now?

Mr. CHAMBERS. I couldn't tell you about that. I don't think so.

Senator WILEY. It is our business to try to get at the facts here; of course, in any election, why, people support one side or the other, but what seems strange to me was that you went down to see him, you told him about it, and he didn't say one thing or another, one way or the other.

Mr. CHAMBERS. No.

Senator WILEY. And he did not remove you?

Mr. CHAMBERS. No.

Senator WILEY. He did not remove any of the others?

Mr. CHAMBERS. No.

Senator WILEY. Then in the course of events, along comes this double murder.

Mr. CHAMBERS. That is right.

Senator WILEY. And then public opinion is aroused.

Mr. CHAMBERS. Yes.

Senator WILEY. And off go four heads.

Mr. CHAMBERS. Yes.

Senator WILEY. I think there is no evidence so far as I can see that the Governor put any pressure on any of you people now. I don't even know his politics, but I want to be sure that we don't again try to injure innocent people. If he took the support of that man, this man worked for him, and he came around and thought he should get his payoff. There is no evidence that he got his payoff from the Governor, is there?

Mr. CHAMBERS. None as I know of; none as I know of.

Senator WILEY. If there is any evidence, I hope we will develop it one way or the other, because according to your own statement, the Governor did not ask you to resign or suggest to you that you remove these two or four police officials. You said that, did you not?

Mr. CHAMBERS. He did ask me to resign; yes.

Senator WILEY. Wait a minute. That is after Binaggio's death?

Mr. CHAMBERS. That is what I am talking about; not before; no, sir; not before. No, sir.

Senator WILEY. That is the difference. But not during the time that you went down to see him.

Mr. CHAMBERS. That is right.

Senator WILEY. The only strange thing is that he apparently had to see you. You told the story and then all that he said, nothing one way or the other.

I think that is all. If there is any evidence, I hope that it will be brought out to clear this thing up, because I do not understand it.

The CHAIRMAN. Thank you, Mr. Chambers, and you will be around for a couple of questions, I take it; if we want you about anything else, we will call you.

Mr. CHAMBERS. Thank you.

The CHAIRMAN. Who is the next witness?

Mr. HALLEY. Mr. Roy McKittrick.

The CHAIRMAN. Mr. McKittrick, will you come around.

Raise your right hand. You solemnly swear the testimony you give this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. McKITTRICK. I do.

The CHAIRMAN. You do not want to be heard, and it is not an easy task for people in your position to testify, but we are all trying to do a public service, and I think by getting the facts out, that is doing a public service. You are here under subpoena, and let us get at the meat of the thing as quickly as we can.

TESTIMONY OF ROY MCKITTRICK, ATTORNEY, ST. LOUIS, MO.

Mr. HALLEY. Mr. McKittrick, your address is 7023 Stapley Avenue, St. Louis?

Mr. MCKITTRICK. Yes.

Mr. HALLEY. And you are an attorney?

Mr. MCKITTRICK. Yes, sir.

Mr. HALLEY. You are here under subpoena; is that right?

Mr. MCKITTRICK. Yes, sir.

Mr. HALLEY. You were formerly attorney general of the State of Missouri from 1933 to 1945?

Mr. MCKITTRICK. Yes, sir.

Mr. HALLEY. And prior to being attorney general, you were a State senator; is that correct?

Mr. MCKITTRICK. Yes, sir.

Mr. HALLEY. Between 1945 and this date, have you held any public office?

Mr. MCKITTRICK. No, sir.

Mr. HALLEY. You have been engaged in what business?

Mr. MCKITTRICK. Practicing law.

Mr. HALLEY. In 1947, during the month of October, did you have a conversation with a Forrest Smith, in St. Louis?

Mr. McKittrick. That was October 1946.

Mr. HALLEY. 1946.

Mr. McKittrick. Yes, sir; 1946.

Mr. HALLEY. Was that while walking from the Mayfair Hotel, down on Eighth Street, to Locust Street?

Mr. McKittrick. Yes, sir; that is correct.

Mr. HALLEY. What happened on that occasion?

Mr. McKittrick. I met Mr. Smith at the Mayfair Hotel, and during the time we were together we discussed the coming gubernatorial race.

After we left the hotel, walking down Eighth Street, he told me he had definitely made up his mind to be a candidate. He asked me if I wouldn't help him. He said he had heard that I probably would be a candidate but he wished I would stay out of the race. He discussed financing the campaign to some limited extent, and then he asked me if I would go to see Clarence Owen and see if he would help him in the campaign.

Mr. HALLEY. Who is Clarence Owen? Is he also known as Gully Owen?

Mr. McKittrick. Yes, sir.

Mr. HALLEY. Who was he?

Mr. McKittrick. Mr. Owen was connected directly or indirectly in politics. He took an interest in politics. He was also one of the owners of the Pioneer News Service.

Mr. HALLEY. The Pioneer News Service is the company that supplies the racing wire service throughout the St. Louis area?

Mr. McKittrick. That is my understanding; yes, sir.

Mr. HALLEY. The date in 1946 I would like to clear up. The election was in 1948.

Mr. McKittrick. That is right. He was just beginning—

Mr. HALLEY. You were talking about the primary which would be in late 1947?

Mr. McKittrick. The primary was to be in 1948.

Mr. HALLEY. You talked about it as early as 1946?

Mr. McKittrick. That is right; that is right.

Mr. HALLEY. Did you go to see Owen?

Mr. McKittrick. Yes. After conversation with Mr. Smith, I did. Just when I couldn't say.

Mr. HALLEY. Where did you see Owen?

Mr. McKittrick. Where? At the Fullerton Building, in his office.

Mr. HALLEY. Did you have a discussion with Owen about the possibility of Owen supporting Smith?

Mr. McKittrick. We were discussing the coming campaign, and I told him, I said, "Smith has definitely made up his mind to be a candidate and he would like to have your support."

I said, "Why can't we support him?"

Mr. HALLEY. What was said by Owen?

Mr. McKittrick. He said "Definitely I will not support him."

Mr. HALLEY. Did he state any reason?

Mr. McKittrick. At that time he said he was in some difficulties with reference to his wire service. He didn't want to support Smith because he wanted to keep any other party from coming into Missouri.

Mr. HALLEY. Did he say that he felt that a gang from out of the State was coming in and giving him some trouble with his wire service?

Mr. McKITTRICK. He said a gang was trying to get control of the wire service.

Mr. HALLEY. Did he name any of the people who were trying to get control?

Mr. McKITTRICK. No, sir; he didn't.

Mr. HALLEY. Was Buster Wortman mentioned?

Mr. McKITTRICK. He never mentioned Buster Wortman until 1947 in connection with an article published by the Globe Democrat in which the Globe Democrat asserted that Owen had become a partner, had made some kind of deal or contract with what they called the East Side group, and which Owen declared was not true, and he wanted to sue the Globe Democrat. That was in his mind. In that connection he mentioned Buster Wortman's name.

Mr. HALLEY. At this point he simply said they were a gang from out of the State who were trying to take control of his wire service; is that right?

Mr. McKITTRICK. That is right; that was what he said.

Mr. HALLEY. Have you since learned that Governor Smith has taken issue with you about the conversation you have just said took place?

Mr. McKITTRICK. Yes, sir; yes, sir.

Mr. HALLEY. He takes the position, if you know, that he never did offer to support you for the Senate in 1952; is that right?

Mr. McKITTRICK. The statement I have made—my information was that Smith denied it.

Mr. HALLEY. The whole statement?

Mr. McKITTRICK. Yes, sir.

Mr. HALLEY. Subsequently—

Mr. McKITTRICK. Except I think with reference to the fact that he did go along that street with me.

Senator WILEY. He denied the street but affirmed the rest of it?

Mr. McKITTRICK. He denied everything else, but affirmed the street.

Mr. HALLEY. Subsequently did you have a conversation with Binaggio at the Jefferson Hotel in St. Louis?

Mr. McKITTRICK. I had several conversations with Binaggio.

Mr. HALLEY. What was the first conversation with Binaggio about the coming gubernatorial race? When was that and where?

Mr. McKITTRICK. A few days after the Jackson Day dinner at Springfield, Mo., which was held in January, the first part of January, a few days subsequent to that dinner. Binaggio was at the Jefferson Hotel and I talked to him.

Mr. HALLEY. Before that conversation at the Jefferson Hotel had you had any talk with Binaggio about the gubernatorial race at the Jefferson Day dinner at Springfield?

Mr. McKITTRICK. Yes, sir; I did.

Mr. HALLEY. What was that conversation at the dinner?

Mr. McKITTRICK. I was debating whether or not to be a candidate, and Binaggio told me he thought I would make a mistake if I did, and he would like to talk to me about it before I made up my mind.

Mr. HALLEY. Was there any further conversation at that time?

Mr. McKittrick. That is the gist of it.

Mr. Halley. Then you next had a talk about it with Binaggio at the Jefferson Hotel a few days later?

Mr. McKittrick. Yes, sir. I had already filed after I had the conversation with him at that time at the Jefferson Hotel.

Mr. Halley. This would be in the latter part of 1947?

Mr. McKittrick. The first part, January.

Mr. Halley. January of 1947?

Mr. McKittrick. 1948, I mean.

Mr. Halley. At the Jefferson Hotel?

Mr. McKittrick. That is right.

Mr. Halley. In whose room was it?

Mr. McKittrick. Binaggio's room.

Mr. Halley. Will you go ahead and tell the committee about the conversation?

The CHAIRMAN. Just tell us what transpired, Mr. McKittrick.

Mr. McKittrick. Senator, of course he is dead, and I am very reluctant to talk about a conversation that I have had with a dead man. If I have to answer, of course I will have to answer. I realize that, but I am very reluctant to discuss, to undertake to tell about a conversation that took place between he and I, since he isn't here. If I have to answer it, of course I will.

The CHAIRMAN. I appreciate your attitude about that. If you can tell us what the developments were so as to try to give us the picture about the matter, to the extent that is necessary to give us the picture, we would appreciate it.

Mr. McKittrick. At that conversation he said he hadn't made up his mind whether he was going to support Smith or what course he was going to take, but he was inclined to think that he would go with Smith. But he said he hadn't made up his mind definitely. He said "I will let you know when I do." We discussed the possibilities of which one could win.

Mr. Halley. Was this the occasion after which you and Binaggio walked to Owen's office?

Mr. McKittrick. No, sir; we walked to Owen's office before that, before 1948.

Mr. Halley. That was late in 1947?

Mr. McKittrick. Some time in 1947, that is right.

Mr. Halley. Perhaps we had better finish this 1948 conversation and then go back to the other one. Would you go ahead or have you told the whole conversation in 1948?

Mr. McKittrick. At that time that was about all the conversation we had with reference to the campaign.

Mr. Halley. Did Binaggio say anything to you about your having made a mistake to file?

Mr. McKittrick. Yes; he told me he thought I had made a mistake.

Mr. Halley. Did Binaggio have political support in St. Louis?

Mr. McKittrick. He had several friends in St. Louis, political friends, a good many.

Mr. Halley. Could he swing votes in St. Louis?

Mr. McKittrick. They would listen to him.

Mr. Halley. Of course he was very strong in Kansas City at that time; is that right?

Mr. McKittrick. Yes, sir.

Mr. HALLEY. Did you know at that time what business Binaggio was in?

Mr. McKittrick. Yes. He told me.

Mr. HALLEY. What did he tell you?

Mr. McKittrick. He told me he was in the gambling business.

Mr. HALLEY. He made no bones about it, did he?

Mr. McKittrick. Apparently not.

Mr. HALLEY. Was this the occasion when Binaggio said something about politics being very expensive?

Mr. McKittrick. I wouldn't say definitely whether it was on that occasion or another occasion, but he did on one occasion say that the organization that he had was very expensive to keep going.

Mr. HALLEY. On that occasion did he say if he couldn't elect a Governor he was going to quit?

Mr. McKittrick. He said he had to have a Governor, and if he couldn't get one, he was going to quit politics.

Senator WILEY. Quit politics?

Mr. McKittrick. Quit his organization. That is what he meant.

Mr. HALLEY. Could you elaborate on that a bit, just what he said? Did he make clear what he meant? I believe you said he stated that his organization was expensive.

Mr. McKittrick. He said it cost him money to run this organization; that he had a pretty good organization here, and it "costs me a good deal of money to keep it going."

Mr. HALLEY. Did you ask him what relation that had to electing a Governor? Why did he feel he had to have a Governor, as he put it?

Mr. McKittrick. I clearly understood him to mean if I were the Governor he would want me to be, as he termed it, pretty reasonable so he could operate to some extent. He said the present Governor had made it tough; he used the highway patrol and closed up some place that he had. I don't remember now where the place was, but it was some place he had.

Mr. HALLEY. Did he want some understanding from you that you would not close up the gambling places?

Mr. McKittrick. He wanted—of course I understood he wanted to operate. He wanted to have some places that he could operate.

Mr. HALLEY. He did say definitely that if he couldn't elect a Governor of his choosing, he would quit politics?

Mr. McKittrick. He didn't say his choosing. He said he had to have a Governor. Those were his exact words.

Mr. HALLEY. Did he tell you that some of your support, the political support you had been relying on, might melt away from you if you persisted in running?

Mr. McKittrick. Yes, sir; he told me that.

Mr. HALLEY. Just what did he say? Can you give the committee the details?

Mr. McKittrick. He said some of the labor support and the committee support I had would go for Smith before the campaign was over.

Mr. HALLEY. Did he prove to be correct in his prediction?

Mr. McKittrick. Yes, sir; he was correct.

Mr. HALLEY. About a month later, in February of 1948, did you talk to Gully Owen, Clarence Owen, again?

Mr. McKittrick. Mr. Owen took seriously ill in December 1947, and between that time and the time of his death I talked to him several times, and I talked to him with reference to the race and advised with him.

Mr. HALLEY. Where did you talk to him, in his home?

Mr. McKittrick. After his illness I talked to him at his home, yes.

Mr. HALLEY. Did he try to get you out of the race?

Mr. McKittrick. No, sir; he didn't try to get me out of the race.

Mr. HALLEY. What did he do?

Mr. McKittrick. He insisted that I stay in the race.

Mr. HALLEY. Did he tell you he was authorized to pay you some money?

Mr. McKittrick. Well, he is dead now. Must I go ahead, Mr. Chairman?

The CHAIRMAN. Tell what the negotiations were and what the transaction was.

Mr. McKittrick. On the occasion in the evening I was there, and he said to me, he said, "The gang is willing to pay you \$35,000 to get out of the race."

I said, "Well, I am not interested in that."

He said, "I am glad to hear you say so."

The CHAIRMAN. You first thought it was a joke, didn't you?

Mr. McKittrick. Naturally I did. After he said that, I thought it was a joke. He said, "No, I am in earnest about it."

Mr. HALLEY. Did you ask him who the gang was?

Mr. McKittrick. No, I didn't. I didn't ask him anything.

Mr. HALLEY. Was there another conversation about that \$35,000 later on?

Mr. McKittrick. Subsequent to that?

Mr. HALLEY. Yes. They raised the amount?

Mr. McKittrick. I went down to see him. He sent for me. At that time he said, "Well, they have raised the amount from \$35,000 to \$50,000."

I said, "Seriously, I am not interested in that."

Senator WILEY. Was this the primary race?

Mr. McKittrick. Yes, sir; the primary. "I am not interested in it," I said.

He said, "Well, I didn't think so, but," he said, "I thought I should tell you about it."

I said to him again, "Well, I don't think anybody is serious about that."

He said, "Yes, they are. They said they would bring it here and put it right on this bed."

He was lying in bed.

I said, "Forget it."

Mr. HALLEY. Was anybody else present at that time?

Mr. McKittrick. To the best of my recollection—I remember on that occasion when I went in he introduced me to a party who was there visiting him and had some conversation, I don't know just what, and whether he was sitting right there at the bed when Mr. Owen made that remark I wouldn't say positively. I just won't say that.

Mr. HALLEY. Was that man's name Herbert Lee?

Mr. McKittrick. Irv Lee.

Mr. HALLEY. Is it possible that Lee might have heard the conversation?

Mr. McKittrick. Yes, sir; that is possible.

Mr. HALLEY. Would you say it is also possible that he might not have heard it?

Mr. McKittrick. That is right, because I don't know. I know that Lee left shortly, and then Mr. Owen went on to tell me who he was and what his connection was with him. They owned an interest in a loan company.

Mr. HALLEY. You again said you weren't interested in the money?

Mr. McKittrick. Sure.

Mr. HALLEY. Did you have another talk with Binaggio after that about your quitting the race?

Mr. McKittrick. That was after the occasion I just now referred to, I had a talk about Binaggio. That was at the Jefferson Hotel in St. Louis.

Mr. HALLEY. This was in the early part of 1948 now?

Mr. McKittrick. Prior to April of 1948.

Mr. HALLEY. How do you place it prior to April?

Mr. McKittrick. Because it was a few days before the last day to file for State officers. We have a statute that states a certain length of time. It was just a few days prior to that. I went to see him and he said, "I know about your turning down that offer." I asked him how he knew it. He said it didn't make any difference. He said, "You have made a mistake."

I said, "I don't think so."

He said, "I want to make you a different proposition. I want you to get out of this race and run for attorney general again."

I said, "I don't want to run for attorney general." I said, "I have given my word to stay in this race and I can't get out of it."

He said, "I think you can get out of it, and I think you should run for attorney general, and I don't think you will have any opposition for attorney general."

He asked me what the office paid, and I told him. I told him I didn't want to serve in that position any longer.

He said, "That isn't very much money."

I said, "No, sir."

He said, "We—" I don't know who he meant by we—"we will pay you a \$1,000 a month beginning in May 1948." That meant the next month.

Mr. HALLEY. Did he say he had discussed putting up that money with any people?

Mr. McKittrick. He said with Brown.

Mr. HALLEY. That is Bev Brown?

Mr. McKittrick. I took it to be Bev Brown, I assumed it to be Bev Brown, because that is the only Brown we ever discussed.

Mr. HALLEY. Bev Brown, who also is now deceased?

Mr. McKittrick. Yes.

Mr. HALLEY. Was he Owen's partner?

Mr. McKittrick. For 30 years or more.

Mr. HALLEY. In the Pioneer News Co.?

Mr. McKittrick. For 30 years or more; yes.

Mr. HALLEY. That is the racing wire distribution company?

Mr. McKittrick. That is right.

Mr. HALLEY. Was there any more to that conversation? Was there some talk about your running for the Senate in 1952?

Mr. McKittrick. Yes. He said he was much interested, and he said he would like me to have a conference with Smith, that they would agree to support me for Senator in 1950. He said, "If you don't think I am in good faith about it, I will put up \$25,000 in any bank that you mention."

Mr. HALLEY. Did you ask Binaggio why he wanted you to run for attorney general and to get out of the Governor's race, the primary for Governor?

Mr. McKittrick. Yes, I think I did, because I didn't quite understand that, and I asked him why he did.

Mr. HALLEY. What did he say?

Mr. McKittrick. He said, "I would like to have you in that office because I am not sure about Smith."

He said, "Some times he might be a little slippery."

Mr. HALLEY. It was pretty clear by this point that you would be beaten in the primary?

Mr. McKittrick. I told him that. He knew that and I knew it.

Mr. HALLEY. You both knew you would be beaten?

Mr. McKittrick. Yes.

Mr. HALLEY. And he was still offering you the attorney generalship?

Mr. McKittrick. That is right.

Mr. HALLEY. You refused again?

Mr. McKittrick. Yes; I didn't want to run.

Mr. HALLEY. Did he call you on the telephone again and ask you to withdraw from the governorship race and run for attorney general?

Mr. McKittrick. He said again, "I am trying to be fair with you. Some of these other fellows are leaving you, but I am not." He said, "I think you ought to study this over and think about it and don't make any more mistakes."

I said, "I have already studied it over. I don't think I have changed my mind."

On the Saturday prior to the last date to file he called me on the telephone. He said, "I have got to do something Monday. You changed your mind about that and won't you go down to Jefferson City and withdraw for Governor and file for attorney general?"

I said, "No, Charlie, I can't."

Mr. HALLEY. Wasn't Attorney General Taylor already running for attorney general at that time?

Mr. McKittrick. Yes; it was publicly known. I don't know whether he had filed or not. I wouldn't say that.

Mr. HALLEY. Did you ask Binaggio what he intended doing about Mr. Taylor?

Mr. McKittrick. He said he hadn't—when I talked to him in the Jefferson Hotel he said he hadn't made any promises or any arrangements with Taylor at all, and when he called me on Saturday he said he had to know because he had to see this fellow and make some deal with him. He used the word "deal." I don't know what he meant and didn't ask him.

Mr. HALLEY. Did you have a subsequent telephone conversation with Binaggio about a month later after you had made certain statements to the press about this situation?

Mr. McKittrick. Yes. He made a statement to a reporter of the Globe Democrat, Mr. Harry Wilson, in which he asked me if any offers had been made me to get out of the race. I told him "Yes." He asked me if the sum was \$30,000. I said, "I wouldn't say whether that sum is correct or incorrect." That was published, and Mr. Smith made a statement concerning that statement, and then Binaggio called me over the telephone. I was at the headquarters. He referred to me as "old man," which is correct, and he said, "Old Man, how far are you going in this campaign?"

I said, "That depends on what your candidate does." I said, "Your candidate has said that this statement I made was a fabrication, and it was made for political reasons, but you know I am telling the truth about it, and he must not make that statement about me again. If he does, I am going all the way, Charlie."

He said, "Will you promise me not to make any further statements until I talk to you?"

I said, "I will do that."

Mr. HALLEY. Did you make any further statements before the election?

Mr. McKittrick. I didn't enlarge on it. After that Mr. Smith and I were speaking at the same place—

Senator WILEY. On speaking terms?

Mr. McKittrick. Sure. I would speak to him today, Senator. I have nothing in my heart against him. We were speaking at the same public gathering. I said to him publicly, publicly and to him personally, just what I had said privately, that I think it fair to say to his face what I would say when he wasn't listening.

Mr. HALLEY. After Smith was elected and took office in January of 1949, did you have a conversation with Binaggio?

Mr. McKittrick. Yes, I had several conversations with him. I had a conversation with him before 1949.

Mr. HALLEY. Did you have any about the chief of police or the police commissioner in St. Louis?

Mr. McKittrick. That was in March 1950.

Mr. HALLEY. 1950?

Mr. McKittrick. 1950, this year, a short time before he was killed.

Mr. HALLEY. Didn't you have any conversations in 1949 right after the election?

Mr. McKittrick. I don't recall at the moment any conversation except with reference to the president of the board of police commissioners of the city of St. Louis.

Mr. HALLEY. What conversation was there about the police commission of the city of St. Louis?

Mr. McKittrick. There was the president of the board, Mr. Holzhausen. That was in March 1950, a short time before Binaggio was killed.

Mr. HALLEY. What was that conversation in March of 1950?

Mr. McKittrick. The first conversation I heard him refer to that matter was at the Jefferson Hotel in the early part of March, in which he stated that he would like to see Holzhausen removed, he would like to see him resign from the board. He said he had been assured that he would be removed.

Mr. HALLEY. Who had given him that assurance? Did he say?

Mr. McKittrick. He said Judge Sestric. He said that Sestric said that he had gone down to see the Governor to resign and the Governor refused to accept his resignation. Charlie said, "Well, I talked to the Governor, and the Governor told me he did not offer to resign." That was about all that was said about it.

No; he said, "I am going to call Sestric now." He got up and went to the telephone, and I left. Then subsequent to that conversation I talked to him again at Jefferson City.

Mr. HALLEY. Was this at the apartment of Pat Noonan?

Mr. McKittrick. Yes, sir; yes, sir; Jefferson City.

Mr. HALLEY. You say this was some time in 1950?

Mr. McKittrick. 1950.

Mr. HALLEY. Just before Binaggio was killed?

Mr. McKittrick. Yes, sir.

Mr. HALLEY. Who was present at Noonan's apartment?

Mr. McKittrick. Charlie was there and Mr. Noonan was there and Mr. Penna.

Mr. HALLEY. He was Binaggio's chauffeur, wasn't he?

Mr. McKittrick. I don't know what he did, he and Pat Noonan were back in another room—in the kitchen. Binaggio was in the front room.

Mr. HALLEY. And what was the conversation that you had then with Binaggio?

Mr. McKittrick. You mean with reference to this matter?

Mr. HALLEY. Yes.

Mr. McKittrick. Well, he went over the same situation again. He said he was disturbed about it, and I asked why he was disturbed about it. He said, "I recommended this man for that position to the Governor, and he said he had been assured that he would resign."

Mr. HALLEY. He had recommended Holzhausen, you mean?

Mr. McKittrick. That is what he said; yes.

Mr. HALLEY. Was the point that Holzhausen had not worked out to satisfaction?

Mr. McKittrick. He said to the satisfaction of the boys in St. Louis. He didn't say his satisfaction. He said he had not worked out, he said he was not satisfactory to the boys in St. Louis. That was his statement.

Mr. HALLEY. What did he say precisely about why he was not satisfactory to the boys in St. Louis?

Mr. McKittrick. Well, they had some trouble about appointing somebody up there, some man named—to some position in the police department, I think that man was named—named Matthews; I am not sure that that was his name, but somebody who they had considerable trouble up there with, a good deal of newspaper publicity about it, and this man Holzhausen was against him, and he said it was not satisfactory to them.

Mr. HALLEY. Did he say "Too damn Dutch to be police commissioner"?

Mr. McKittrick. That is when he said—no, he made that remark at the time he said Holzhausen was appointed. He said he participated. He said Mr. Holzhausen and Judge Sestric and, I think, he said Mr. Holzhausen's partner, but, anyhow, another man was in the same apartment that I was in, Pat Noonan's apartment, and he said Mr.

Holzhausen called him back in the kitchen and he pointed to the kitchen where Mr. Noonan and this gentlemen was. He said he wanted to talk to him privately. He said when he got back there, this man said to him, "Holzhausen, the Post-Dispatch says that you are the man that I have got to get the green light from in St. Louis," this fellow said.

Charlie said, "I don't know what in the hell you are talking about. I am not interested in St. Louis." And then he said he went ahead and repeated it again and then the second time he called Sestric in there and he says this man "is too damn Dutch to be a police commissioner, this man of yours."

MR. HALLEY. Did Sestric submit a resignation, do you know, to the Governor?

MR. MCKITTRICK. I don't know.

MR. HALLEY. Binaggio said——

MR. MCKITTRICK. I know Sestric said he did and I believe what Sestric says.

MR. HALLEY. Did Binaggio say that Holzhausen had submitted his resignation to the Governor?

MR. MCKITTRICK. Binaggio said that the Governor had told him that he had not submitted it but he would accept it if Binaggio got it and Binaggio was to get the letter of resignation.

MR. HALLEY. Was it considered that you could help get that resignation from Holzhausen?

MR. MCKITTRICK. He asked me if I would see Sestric. I told him I would.

MR. HALLEY. Did you?

MR. MCKITTRICK. Yes, sir.

MR. HALLEY. And where did you see him and when?

MR. MCKITTRICK. I saw him in his office.

MR. HALLEY. How much after this last conversation?

MR. MCKITTRICK. Just a few days; just a few days, 2 or 3 days; maybe the next day.

MR. HALLEY. And what did Judge Sestric say to you?

MR. MCKITTRICK. He said he would see about it. And then he talked to me over the telephone. He said "I tried to make arrangements to see the Governor, but the Governor said he could not see us until after the election," referring to gas-tax election that was being held about the first part of April, and he said after that he would see him. And then on a Saturday, prior to Charlie's death, he called me up and asked me if I had talked to Sestric and I said "Yes." I told him what Sestric said, that he would see the Governor.

He said "I don't want him to see the Governor. I don't care if he never sees the Governor. I wanted that letter from Holzhausen of resignation. I will take it to the Governor."

That was on Saturday before he was killed. Well, I didn't see Sestric any more. He was killed and that ended it.

MR. HALLEY. Did Binaggio ever use the expression "I am on the spot about this"?

MR. MCKITTRICK. That is when he was talking to me in Pat's room. He said "I am on the spot about this. I wanted to get this thing settled."

MR. HALLEY. But do you think that by what he said he implied physical danger?

Mr. McKittrick. No, no. I thought he meant political spot. Charlie liked to help everybody and I think he just got himself in a political spot about it.

Mr. Halley. He was in a spot with the boys in St. Louis, is that right?

Mr. McKittrick. That is right, that is the way I took it and understood it and believed it.

Mr. Halley. And the boys were the gambling set who expected to have their way in their operating without interference?

Mr. McKittrick. They had great expectations, there was no doubt about that.

Mr. Halley. And what were the expectations?

Mr. McKittrick. Well, so they could operate, run gambling places. Bookies.

Mr. Halley. Without anybody interfering?

Mr. McKittrick. You can't run them very well if somebody interferes.

Mr. Halley. During this conversation at Noonan's apartment did you have any discussion about the vote fraud case with Binaggio?

Mr. McKittrick. I talked to him for 4 hours that evening from 8 to 12 and he talked about politics. He talked about their present, I mean the coming senatorial race, and he talked about the congressional race, and in that connection with the Slaughter race. He said he did not, need not expect him to go to the length he did in that campaign, in this campaign between Senator Allison and Housen, and Mr. Hennings.

Mr. Halley. Did he say what he had done in the Slaughter race?

Mr. McKittrick. He said he had voted them from everywhere. He said he voted them from England and France.

Senator Wiley. And the grave.

Mr. McKittrick. I said "You are getting pretty far away from home."

He said he brought in a whole army of FBI to find it out.

Mr. Halley. Did he have anything to say on the stealing of the ballots from the sheriff's vault?

Mr. McKittrick. You mean serious comments about it? No, sir, he just kind of laughed about it.

Mr. Halley. He said he thought some of the FBI thought he knew something about it. "What the hell do I know about it?" That is just what he said about it, he just laughed about it.

Senator Wiley. He laughed about the stealing of the ballots, you say?

Mr. McKittrick. About them accusing him, thinking that he had anything to do with it.

Senator Wiley. What was your impression from the conversation that he did or did not have anything to do with it?

Mr. McKittrick. Well, I don't think he did. That is just my thinking. I may be wrong but I don't think he did.

Senator Wiley. I think that was some other gang then.

Mr. McKittrick. I don't know what gang or anything about that, but he was pretty free and open about it. He talked about the FBI, being here for weeks and months and examining him and everything else.

Senator WILEY. Who else had to gain from it except his side of the fence?

Mr. McKITTRICK. As I understood from him his side of the fence was the only one that they investigated, apparently was not interested in anybody else. That was my understanding from him.

Mr. WILEY. Of course, he is dead and gone now.

Mr. McKITTRICK. That is right, and that is—

Senator WILEY. Is it true that you have had two gangs here, the Pendergast crowd and the Binaggio crowd, that have delved in the political picture?

Mr. McKITTRICK. Senator, we have had about three district Democratic organizations here, we had an organization, the Pendergast, the Shannon organization, and then in later years, in recent years, the Binaggio organization.

Senator WILEY. And did they collaborate at times when the objective was the same?

Mr. McKITTRICK. I think they tried to agree.

Senator WILEY. They what?

Mr. McKITTRICK. Yes, sir; they would try to agree if they could. If they could not then they would just fight it out.

Senator WILEY. Was not the objective the same when the ballots were stolen?

Mr. McKITTRICK. Well, I don't live here. All I know about that is what I got from Binaggio.

Senator WILEY. I am not asking you.

Mr. McKITTRICK. He was supporting Mr. Axtel in the primary and I don't know how the line-up was. I don't know whether he was and I think, I believe he said, Pendergast was supporting Axtel, too, at that time.

Senator WILEY. That was Truman's candidate, wasn't it?

Mr. McKITTRICK. Yes, sir; that was the President's candidate.

Senator WILEY. Then we come back to the fact that the objective was the same. All three of them lined up with the same objective. This is another one of these Kansas City murders, the murder of the ballots, that has not been solved. Have you any solution to it at all?

Mr. McKITTRICK. No, sir; I do not.

Senator WILEY. You are definite about that?

Mr. McKITTRICK. I have had some experience along that line, that is a hard thing to solve. I don't blame the FBI.

Senator WILEY. Of course, the FBI was ordered in pretty late.

The CHAIRMAN. All right, Mr. Halley.

Mr. HALLEY. Did Binaggio tell you whether or not he was getting together any part of the defense funds for the vote-fraud cases?

Mr. McKITTRICK. That was on an occasion when he come from New Orleans. He had been down there, he and two or three other gentlemen with him, and he stopped at Jefferson, and I was talking to him, and while I was talking to him, he had a telephone call, from Kansas City, just a few days or just a day or two before the fraud cases was ready for trial, and he said he had to leave right away and told somebody to make a reservation, because the lawyer, they owed the lawyer \$10,000. They had not put up the money and he had to come into Kansas City to pay the lawyer. Otherwise the lawyer was going, would not go ahead with the trial defending these people.

Mr. HALLEY. Between them they were to put up \$35,000.

Mr. McKITTRICK. He said——

Mr. HALLEY. Of the fund.

Mr. McKITTRICK. He said he had to put up \$35,000. Pendergast agreed to put up \$10,000 and him \$25,000, and Pendergast had not put it up and he had to go and take care of it. He was kind of hot about it.

Senator WILEY. Was this in support of Smith, this money?

Mr. McKITTRICK. No, sir; no sir.

Mr. HALLEY. I didn't get the connection about the money.

Mr. McKITTRICK. That was in connection with the prosecution for vote fraud that arose out of the Slaughter-Axtel campaign, in that matter, either that or the primary, the fall election, anyway, one or the other, it was during that year.

Mr. HALLEY. Going on, to this news service, you represented Mr. Owen, did you not, from time to time?

Mr. McKITTRICK. Mr. Clarence Owen, when the telephone company took out the phones, he employed me, and another lawyer to represent him. He wanted to bring an injunction suit, but we didn't bring it.

Mr. HALLEY. Did you also represent his widow when his stock was sold after the——

Mr. McKITTRICK. Yes, sir.

Mr. HALLEY. The death?

Mr. McKITTRICK. Yes, Florence Owen.

Mr. HALLEY. Did Owen ever tell you the reason why Bev Brown went over to East St. Louis to operate a competing wire service?

Mr. McKITTRICK. Did he ever tell me why?

Mr. HALLEY. Yes, the circumstances.

Mr. McKITTRICK. Well, he said the East Side, he referred to the East Side gang, tried to make a deal with him and Brown, and Brown went with them, and he would not deal with them, and he didn't tell me anything about the terms or the conditions.

Mr. HALLEY. He associated the East Side gang with the Capone mob, did he not?

Mr. McKITTRICK. I have heard him refer to it that way, East St. Louis.

Mr. HALLEY. East St. Louis people, they were Wortman?

Mr. McKITTRICK. The only time he mentioned his name, Wortman's name, I tell you, was in connection with my former testimony. After that he just referred to the East Side gang. That is the way he would always refer to them.

Mr. HALLEY. The reason was that his partner, Brown, had joined with Wortman, and formed a competing news service, Reliable?

Mr. McKITTRICK. That is what Owen said.

Mr. HALLEY. Located on the east side of the river; is that right?

Mr. McKITTRICK. Well, he said they had formed some kind of a corporation over there in which Brown went with Mr. Wortman, and in this new corporation, this new organization, which was a competing one with his company, the Pioneer Co.

Mr. HALLEY. Did he tell you that this new organization that he referred to as being connected with the Chicago Capone racketeers; is that right?

Mr. McKITTRICK. This new organization?

Mr. HALLEY. This East Side organization.

Mr. McKittrick. I don't think he told me that they were connected with it, but it was his, he led me to believe and understand, that these people represented some group in Chicago.

Mr. Halley. And he used the word "Capone," didn't he?

Mr. McKittrick. I just can't say he used the word "Capone." I would not say that he didn't, and I would not say that he did. He is dead and I can't just remember that. He may or may not.

Mr. Halley. He did refer to them as having come from Chicago?

Mr. McKittrick. Very definitely.

Mr. Halley. And being racketeers?

Mr. McKittrick. I never heard him say that.

Mr. Halley. Did he refer to them as being honest, responsible people?

Mr. McKittrick. No; he never did. He just said he didn't want anything to do with them. He wouldn't have anything to do with them if they give him all of the money they had.

Mr. Halley. Wortman, Dowling, and Eppelsheimer had attempted to buy an interest in Pioneer; is that not right?

Mr. McKittrick. He said they tried to make a deal with him.

Mr. Halley. When he refused, Bev Brown joined with them and went across the river and opened the Reliable News Co.; is that right?

Mr. McKittrick. That is what he told me. That was in '47.

Mr. Halley. After he died his stock was sold, was it not?

Mr. McKittrick. Yes, sir.

Mr. Halley. Who bought it?

Mr. McKittrick. Willie Brown, a son of Mr. Bev Brown.

Mr. Halley. Did Reliable News Service then give up its competition and in effect discontinue with competing service?

Mr. McKittrick. Well, that I don't know. I don't know about that.

Mr. Halley. You haven't followed it up to that point?

Mr. McKittrick. No, sir.

Mr. Halley. I have no other questions.

The CHAIRMAN. Senator Wiley?

Senator WILEY. This money that you spoke of was a fund that was to be raised not to prosecute but to defend?

Mr. McKittrick. Yes, sir.

Senator WILEY. That is a different angle entirely?

Mr. McKittrick. Yes, sir.

Senator WILEY. In other words, here was an agreement between the so-called political crowds here in the city that they were going to get together a boodle of about \$35,000 to defend a suit that was to be brought in relation to the vote-fraud crime, or whatever you want to call it.

Mr. McKittrick. Senator, as I understood it, some people were being prosecuted.

Senator WILEY. Yes.

Mr. McKittrick. For vote fraud.

Senator WILEY. Yes.

Mr. McKittrick. And they were raising this money to defend these people that were being prosecuted.

Senator WILEY. That is right. Did you have any idea as to who specifically rubbed out Binaggio?

Mr. McKittrick. Oh, Lord, no. No, sir, not the least.

Senator WILEY. From the records the chairman has produced here, for instance, they have got a rubbing out disease down here, it looks as though. How many were put out of the way in the last 10 years?

The CHAIRMAN. Thirty.

Senator WILEY. Thirty unsolved. As a former attorney general, have you any suggestion to the good State of Missouri as to the solution to that problem?

Mr. McKITTRICK. To the problem of solving these murders?

Senator WILEY. Yes.

Mr. McKITTRICK. Senator, I am sorry I don't think I do. I think men who are more competent than I am have been working on it.

Senator WILEY. Do you think the fact that these three organizations that you mentioned here apparently control the political life of this country, that has anything to do with the failure to get at the solution of this problem?

Mr. McKITTRICK. No, sir; I don't think that, Senator. I don't think that.

Senator WILEY. Did Binaggio have any Mafia connections?

Mr. McKITTRICK. No, I don't know.

Senator WILEY. You don't know anything about that?

Mr. McKITTRICK. No, no. I never heard him mention it.

Senator WILEY. I think you in response to the question have indicated that you just felt on one occasion when Owen was talking that he intimated that there was this connection with some Chicago organization, but you had no recollection that he mentioned any specific names.

Mr. McKITTRICK. No, sir. I don't remember that, Senator, and I would not want to say so, because he is dead, and I would not want to say unless I distinctly remembered it, and I do not, but he referred to the Chicago groups. That was his usual term.

Senator WILEY. Well, now, was there any evidence, definite evidence, made by a statement of Binaggio or anyone else that there was an absolute deal between him and Smith?

Mr. McKITTRICK. He told me he was going to support Smith, that he had dealt with Smith. I said, "All right, Charlie, but you will regret it." I said, "You are making a mistake this time."

Senator WILEY. That is what you told him?

Mr. McKITTRICK. That is right.

Senator WILEY. What did he say to that?

Mr. McKITTRICK. Well, he says, "In politics I just have got to take my chances."

Senator WILEY. Have you any evidence as to what he meant by the word "deal"?

Mr. McKITTRICK. No, sir. No, sir, we didn't go into it.

Senator WILEY. Have you any evidence of any payoff?

Mr. McKITTRICK. No, sir. No, sir.

Senator WILEY. Was there anybody else except Binaggio that attempted to influence you against your decision to run for governorship or any other pressure, national or otherwise, put on you to quit the race?

Mr. McKITTRICK. No, sir; not specifically. Of course, some of my friends, we discussed it, some of them thought I ought to stick and some of them thought I should get out.

Senator WILEY. There was not any Federal pressure put on you by—

Mr. McKittrick. Oh, no. No, sir.

Senator WILEY. And you were offered this first \$35,000 and subsequently then \$50,000, if you would step out of the race?

Mr. McKittrick. Yes.

Senator WILEY. And you kept right on running?

Mr. McKittrick. That is it, knowing I did not have a chance to win.

Senator WILEY. You have no suggestion to the solution of the Binaggio murder case, or the vote-fraud case?

Mr. McKittrick. No, sir; I do not.

Senator WILEY. The stealing of the ballots?

Mr. McKittrick. No, sir; I do not.

Senator WILEY. That is all.

The CHAIRMAN. Mr. McKittrick, how old are you now? Do you mind telling us?

Mr. McKittrick. 61.

The CHAIRMAN. How long were you attorney general of Missouri?

Mr. McKittrick. 12 years.

The CHAIRMAN. The situation, summing it up then, insofar as this primary was concerned, your negotiations with Binaggio, were you trying to get his support provided he was not trying to make any, to commit you to any illegalities or anything?

Mr. McKittrick. Sure; I was.

The CHAIRMAN. Or anything that would hurt your conscience?

Mr. McKittrick. Yes, sir; absolutely I was trying to get it.

The CHAIRMAN. And you would have been glad to have gotten his support?

Mr. McKittrick. Absolutely.

The CHAIRMAN. You were not going to make any commitments about it?

Mr. McKittrick. That is exactly correct; that is exactly correct.

The CHAIRMAN. So apparently he seemed to like you some and so he—

Mr. McKittrick. I appreciated it.

The CHAIRMAN. He wanted you to get out of the race.

Mr. McKittrick. That is right.

The CHAIRMAN. Money was offered to you which you did not accept?

Mr. McKittrick. That is right.

The CHAIRMAN. That not working, then they offered to get behind you for attorney general of Missouri?

Mr. McKittrick. That is correct.

The CHAIRMAN. Is that right?

Mr. McKittrick. Yes.

The CHAIRMAN. So on the condition and with the understanding that if things went bad, and they needed to rely on the attorney general, that you would be there?

Mr. McKittrick. That is right; that is right.

The CHAIRMAN. But you refused to along with that?

Mr. McKittrick. Well, I could not. I didn't want to go along with it, and then get in there and then double-cross them. I just didn't want to do it. I don't think you have any right to double-cross anybody.

The CHAIRMAN. But as to what the negotiations between Binaggio and Governor Smith were, you, of course, don't know?

Mr. McKittrick. I don't know.

The CHAIRMAN. But you did get the impression that they would like to have the attorney general in reserve in any event.

Mr. McKittrick. That is what he said. In effect, I mean.

The CHAIRMAN. Then so——

Mr. McKittrick. He wanted me to give him my word, and he would make the deal. I said, "Charlie, I can't do it."

The CHAIRMAN. They would start paying you a thousand dollars a month before you ever got to be attorney general?

Mr. McKittrick. That is right.

The CHAIRMAN. Then you went on with your effort in the Democratic primary knowing that you probably could not win, Binaggio over here supported Smith, I believe Pendergast supported you.

Mr. McKittrick. No; Mr. Pendergast supported another candidate by the name of Mr. Nee.

The CHAIRMAN. Nee?

Mr. McKittrick. Yes, sir.

The CHAIRMAN. So it was a three-way race?

Mr. McKittrick. Yes.

The CHAIRMAN. What was the final result of the race?

Mr. McKittrick. Mr. Smith.

The CHAIRMAN. I believe 10 people ran in that race, did they not, quite a number of them?

Mr. McKittrick. I believe there was some others, too. I mean that was three that caused the argument right at the time.

The CHAIRMAN. Anyway, Smith was first, and were you second, or Mr. Nee?

Mr. McKittrick. I think Mr. Nee was.

The CHAIRMAN. Nee was second?

Mr. McKittrick. Yes.

The CHAIRMAN. And that was quite a contest over here in Kansas City, wasn't it?

Mr. McKittrick. I think it was; yes, sir.

The CHAIRMAN. Between Smith and Nee and you?

Mr. McKittrick. Yes, that is right. Yes, sir.

The CHAIRMAN. The other point——

Mr. McKittrick. I was not in that in Kansas City. That was just between Nee and Smith. Pendergast supported Nee and Charlie was supporting Smith.

The CHAIRMAN. So you did not have much support over here?

Mr. McKittrick. I didn't have any. I have a few friends, that is all.

The CHAIRMAN. So it was a two-way contest over here.

Mr. McKittrick. That is right; that is right.

The CHAIRMAN. Then about this Mr. Holzhausen, is that the way you pronounce it?

Mr. McKittrick. Yes.

The CHAIRMAN. Holzhausen, he apparently was appointed early in the game by Mr. Smith, by the Governor, and he is, I believe, an honest commissioner. He is still a commissioner?

Mr. McKittrick. Yes, president of the board.

The CHAIRMAN. And then when he got in there, why, he would not go along with the boys, so to speak. He would not open up the city, or refused to.

Mr. McKittrick. He would not appoint the man Matthew; that was the immediate fight, I mean centering around that.

The CHAIRMAN. You live in St. Louis. Is that generally considered a good appointment? Is he a good man?

Mr. McKittrick. Yes, sir. I never heard anybody speak against him.

The CHAIRMAN. So then the deal was, try to get him out.

Mr. McKittrick. Yes.

The CHAIRMAN. And you were trying to help get a letter from him which Binaggio thought the Governor might accept, but he was not going to ask to have Holzhausen to resign.

Mr. McKittrick. Charlie was imputing that Seswich was not telling the facts about it, and I thought that Seswich was telling the facts.

The CHAIRMAN. At any rate, no letter was ever gotten from Mr. Holzhausen.

Mr. McKittrick. That is right.

The CHAIRMAN. He is a commissioner.

Mr. McKittrick. Yes.

The CHAIRMAN. Commissioner in St. Louis, and as in Kansas City they are appointed by the Governor.

Mr. McKittrick. Yes.

The CHAIRMAN. And four are appointed by the Governor in each city.

Mr. McKittrick. Yes.

The CHAIRMAN. About the Pioneer News Service. Mr. Bev Brown moved over and joined up with the fellows who opened up across the river in competition with Pioneer. Is that not correct?

Mr. McKittrick. Yes, sir.

The CHAIRMAN. Was he operating a part of the Reliable, across the river, at the time of his death?

Mr. McKittrick. That I don't know, but he had his office. He was at the Pioneer office.

The CHAIRMAN. I think the record shows that he was with the Reliable, across the river, before he died. After Mr. Owen passed away, Willie Brown, who is the son of Bev Brown, bought Mr. Owen's stock.

Mr. McKittrick. That is right.

The CHAIRMAN. Then they closed up the competitive outfit across the river and all came back into Pioneer in St. Louis.

Mr. McKittrick. I don't know what they did across the river, but I do know they had their offices back in the Pioneer.

The CHAIRMAN. I think the record shows that, as a news distributor, it was closed up but it was kept in operation as a bookmaking operation. Of course, you may not know about that.

Anything else, Mr. Halley?

Mr. HALLEY. Nothing.

The CHAIRMAN. Mr. McKittrick, are there any matters that we haven't covered that you think will throw light on what the committee is trying to find out about these matters? We think it should be stated that you are not testifying here with any vengeance toward anyone or to try to punish or protect anyone.

Mr. McKittrick. No.

The CHAIRMAN. But because you are called upon to testify.

Mr. McKittrick. That is the only reason.

The CHAIRMAN. I know that you don't like the job of coming over here, but we have subpoenaed you, and you had to come.

Is there anything else with this witness?

Thank you, Mr. McKittrick.

The committee will stand in recess until 1:30, at which time we will continue.

(Whereupon, at 12:30 p. m., the committee recessed until 1:30 p. m. the same day.)

AFTERNOON SESSION

(Whereupon, at 1:45 p. m., the committee reconvened pursuant to the taking of the noon recess.)

The CHAIRMAN. The committee will come to order.

Mr. Claude Follmer? Mr. Follmer, do you solemnly swear that the testimony you will give this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. FOLLMER. I do, sir.

TESTIMONY OF CLAUDE A. FOLLMER, UNITED STATES NARCOTIC AGENT, TREASURY DEPARTMENT, KANSAS CITY, MO.

Mr. HALLEY. What is your occupation, Mr. Follmer?

Mr. FOLLMER. Narcotic agent, Bureau of Narcotics, Treasury Department.

Mr. HALLEY. Would you state whether or not you have here for presentation to this committee a statement?

Mr. FOLLMER. I do, sir.

Mr. HALLEY. Will you now present that statement to the committee?

Mr. FOLLMER. For many years Kansas City has been the scene of violence, bloodshed, and terror, in connection with the traffic in illicit narcotic drugs, involving for the most part persons of similar origin banded together in a secret society known as the Mafia. One of the most vivid examples of this organized interstate criminal enterprise is shown in the events and circumstances of the case known in the files of the Federal Narcotic Bureau as SE-202: Carl Carramusa, Joseph De Luca et al.

Early in 1940, Louis and Patsy Ventola were arrested by Federal narcotic agents and police detectives at Kansas City for making numerous small sales of narcotic drugs to a Government agent, and a supply of heroin having a wholesale value of \$3,000 was seized. The drugs were contained in a brief case belonging to Pete Di Giovanni. It was learned the Ventolas were employed as retail salesmen of heroin by Charles Bengimina, alias Red Brick, and that Bengimina, in turn, was a distributor for one Carl Carramusa. Carramusa was a minor member of the Mafia and the "front man" of the Kansas City narcotic syndicate, owned and operated by the local Mafia, or dreaded Black Hand Society of Sicilian origin.

Continued investigation by the narcotic agents and police resulted in the arrest and conviction of Bengimina and the Ventolas. Minor prison sentences followed pleas of guilty.

The inquiry progressed during 1941 and 1942 at Kansas City while undercover agents made further purchases of narcotic drugs; and on February 17, 1942, Carl Carramusa and Charles Taibi, alias Ryan, were apprehended.

Surveillance of Carramusa prior to his arrest indicated he had access to a large quantity of drugs, and by elimination the agents eventually located his cache, an ingeniously devised secret panel in the wall of an apartment. The wholesale value of heroin then seized was in excess of \$40,000. When "cut" and delivered to the addict consumer, these drugs would yield approximately one-quarter of a million dollars. Samuel and Fellipo Pernice, occupants of the residence where the drugs were concealed, were then arrested.

On April 1, 1942, new indictments were returned charging Joseph De Luca, Nicolo Impostato, Paul Antinori, Joseph Antinori, Charles Bengimina, Louis Ventola, Patsy Ventola, Charles Taibi, Samuel Pernice, Fellipo Pernice, and Carl Carramusa all with conspiracy to violate the Federal narcotic laws.

The story behind these indictments began in 1929 when narcotic officers learned a man known only as Nicoline, later identified as Impostato, arrived in Kansas City from Chicago and became the strong-arm man for John Lazia, underworld czar. Lazia was later assassinated.

In New York City in 1937 narcotic agents arrested Nicola Gentile in connection with a Nation-wide narcotic syndicate involving 88 persons throughout the United States and Europe. Gentile was found to be a traveling delegate for the Mafia, and an address book in his possession was a veritable Who's Who of Mafia narcotic traffickers. The names of Impostato and other members of the Kansas City syndicate were duly listed. Gentile later jumped a heavy bond and fled to his native Sicily, where he is now an intimate of the notorious Lucky Luciano.

Shortly after his arrival in Kansas City, Impostato, according to reliable information, became second in command under Joseph De Luca, who was then in charge of the narcotic branch of the Mafia organization, which included James Balestrere, Pete and Joe Di Giovanni, Tony Gizzi, James De Simone, Jack Ancona, Joe Oliver, Angelo Nigro, Mike Lascoula, Lonnie Affronti, and a Kansas City attorney of Sicilian origin. All of these persons were members of the Mafia or Black Hand, and were financed in the narcotic traffic as a group by the Mafia. This Mafia subsidiary placed the illicit drug traffic on a businesslike basis and hired a legal adviser, supervisor, general manager, traveling representative, a bookkeeper, and an extensive retail sales force. They soon developed contacts with major sources of narcotic drugs at various ports and in a short while were supplying not only the Kansas City area but addicts in the States of Texas, Oklahoma, Iowa, Nebraska, Arkansas, Kansas, and Illinois.

At St. Louis, Mo., a branch office of this organization operated under the direction of John Vitale, who was in turn under the domination of Thomas Buffa and Tony Lopiparo, chiefs of the St. Louis Mafia.

In 1942 it was determined one of the sources of supply for the Kansas City group was a Mafia organization in Tampa, Fla., who in turn received smuggled drugs from Marseilles, France, via Havana, Cuba. The traveling representative who brought the drugs to Kansas

City was James De Simone. It was also indicated that Sebastino Nani, one-time Brooklyn Mafia hoodlum now established in California, had furnished several large shipments of drugs to the Kansas City syndicate from New York.

At Tampa, Paul and Joseph Antinori were the principal dealers, succeeding their father, Ignatious Antinori, who had been murdered over a narcotic deal a few years before. They obtained their drugs from a Cuban politician and internationally known narcotic smuggler.

As a result of all these investigations, on December 18, 1942, new indictments charging 155 counts of narcotic-law violations were returned against the following 14 persons: Joseph De Luca, Nicolo Impostato, James De Simone, Paul Antinori, Joseph Antinori, Carl Carramusa, Charles Taibi, Thomas Buffa, Tony Lopipara, Fellipo Pernice, Samuel Pernice, Louis Ventola, Patsy Ventola, and Charles Bengimina. Sentences were imposed as follows:

Nicolo Impostato, 2 years; Charles Taibi, 1 day in jail; Fellipo Pernice, 4 years probation; Samuel Pernice, dismissed to enter Army; Carl Carramusa, 4 years, later reduced and probated; Joseph De Luca, 3 years; James De Simone, 6 years; Paul Antinori, 5 years; Joseph Antinori, 5 years.

Pending indictments against Bengimina, Louis and Patsy Ventola, previously sentenced on the original indictment, were dismissed. Thomas Buffa and Tony Lopipara were dismissed due to lack of evidence. Buffa testified for the Government in a collateral matter involving perjury on the part of the paramour of De Luca. She was convicted. Upon Buffa's return to St. Louis an attempt was made to assassinate him, and he fled to California. In 1946, at Lodi, Calif., he was slain by shotgun blasts.

The successful culmination of this investigation resulted through the active cooperation of Carl Carramusa, who openly testified for the Government at the trial of these men. Carramusa went into hiding, changed his name, and began a new life with his wife and family in Chicago. Three years later in June 1945, at Chicago, Carramusa's head was blown off by a shotgun just as his family was about to join him in his automobile en route to a wedding anniversary party.

It is interesting to note that the *modus operandi* of the Carramusa killers was almost identical with that used in the murder 5 years later of Wolf Riman at Kansas City.

In addition to the murders of Carramusa, Ignatious Antinori, and Tom Buffa, some of the other murders relating to this case in recent years are those of Nick De John, a Chicago narcotic peddler, at San Francisco, in which Sebastino Nani is still a primary suspect, and the recent murder at Tampa, Fla., of James Lumia, Antinori associate and suspect in the Carramusa killing.

Carramusa's own brother had been murdered by the Mafia in 1919 at the age of 11, and it may have been this circumstance that persuaded Carramusa to become a Government witness many years thereafter, even though he knew better than anyone the inherent danger.

The murderer of the Carramusa child was caught red-handed by outraged bystanders—

Mr. HALLEY. When you say "the Carramusa child," you mean Carramusa's brother?

Mr. FOLLMER. That is right.

Mr. HALLEY. Who was murdered in 1919.

Mr. FOLLMER. That is right.

Mr. HALLEY. How was he killed?

Mr. FOLLMER. By a shotgun.

Mr. HALLEY. At close range?

Mr. FOLLMER. That was my understanding.

Mr. HALLEY. Go ahead.

Mr. FOLLMER. The murderer of the Carramusa child was caught red-handed by outraged bystanders and was almost beaten to death before being arrested by the police. He was identified as Paul Cantanzaro; but he was never convicted, as the host of witnesses were methodically terrorized. Even the police detective who arrested Cantanzaro, Louis Olivero, was himself later murdered by the Mafia.

Senator WILEY. Where did the murder of the 11-year-old take place?

Mr. FOLLMER. Here in Kansas City.

Cantanzaro has been employed ever since as night watchman for the Di Giovanni wholesale liquor firm. At the trial of De Luca et al., Cantanzaro was called back to active service and sat in the front row of the courtroom while Carl Carramusa testified. With subtle threatening gestures he attempted to intimidate the witness until it was found necessary to eject him from the courtroom.

Mr. HALLEY. In the course of the investigation of the Carramusa case, did you have occasion to listen to a conversation over a dictaphone?

Mr. FOLLMER. I did.

Mr. HALLEY. What was the date of this conversation?

Mr. FOLLMER. January 20, 1943.

Mr. HALLEY. Do you know the people who were engaged in this conversation?

Mr. FOLLMER. Joseph Antinori and Tony Lopiparo.

Mr. HALLEY. Where was the conversation?

Mr. FOLLMER. In room 1823 at the Phillips Hotel, Kansas City, Mo.

Mr. HALLEY. Where were you at the time?

Mr. FOLLMER. In a suite on the twentieth floor.

Mr. HALLEY. Of the Phillips Hotel?

Mr. FOLLMER. Yes, sir.

Mr. HALLEY. Was there a dictaphone in the room where the conversation took place?

Mr. FOLLMER. There was.

Mr. HALLEY. Was that a dictaphone placed by burglary or illegal entry?

Mr. FOLLMER. No, sir.

Mr. HALLEY. Was it placed legally and with proper permission of the proper people?

Mr. FOLLMER. It was, sir.

Mr. HALLEY. Would you read to the committee the transcript of the conversation? First will you identify the people who were there, and the people who were listening?

Mr. FOLLMER. I will just read here from this.

Mr. HALLEY. Go ahead.

Mr. FOLLMER. From the statement.

The following conversation between Joseph Antinori and Tony Lopiparo took place in room 1823 of the Phillips Hotel, Kansas City, Mo., on January 20, 1943. This conversation covered a period from

about 4:30 p. m. to 11 p. m. or 6½ hours, and was overheard by Narcotic Inspector C. A. Follmer, Agents Black, W. P. Blackwell, and John C. Hooker.

Mr. HALEY. Did a stenographer take the conversation down?

Mr. FOLLMER. She did.

Mr. HALEY. There was also a loudspeaker in your rooms so that you could all hear it, is that right?

Mr. FOLLMER. That is right.

Mr. HALEY. Would you go ahead and read it.

Mr. FOLLMER. This conversation covered many subjects and many parts of it were uninteresting, had no bearing on this investigation. For that reason, only the following was noted:

JOE. When did Buffa get down to Tampa?

TONY. He didn't say anything to me about going down there. He just went, and I didn't know it until he came back.

* * * * *

TONY. Some of the guys said that you talked, but I would not believe it, and I told them that I would bet both my eyes that Paul wouldn't talk.

JOE. Hell, no, I ain't said nothing, and I know damn well Paul hasn't talked. He wouldn't even tell me anything about this business.

TONY. How about your lawyer? Is he going to do something for you?

JOE. I haven't got a lawyer. Barnes is Paul's lawyer, and I don't know what kind of a deal they made.

TONY. When something like this happens, you don't need a lawyer. You need a fixer to get you out of it.

JOE. I think I will take my chances with the judge. I don't want no jury. I am looking to save time this way. Anyhow, I haven't got any money for a lawyer.

TONY. I haven't got any, either, but I am telling you if you ever get any, keep it in a safe deposit box. Then they can't find it, when they check up on you.

JOE. They asked me about the money Paul put in the bank. I couldn't tell them anything about it. They ought to ask the bookkeepers anyhow.

Mr. HALEY. Can you identify Paul?

Mr. FOLLMER. Paul Antinori.

Anyhow, Paul is sick and he can't remember all of those things.

TONY. There ain't a damn thing wrong with Paul. He has been that way all his life.

JOE. They asked Paul a lot of questions, why he came by St. Louis, but he didn't tell them anything.

TONY. Paul came by St. Louis and Tom told him what the score was on this thing.

Mr. HALEY. Who is Tom?

Mr. FOLLMER. Tom is Thomas Buffa.

There wasn't any use of Paul getting in touch with those other people. When you want to know how things are, just see me.

JOE. By God, they sure talk a lot. I will bet they came to see me a dozen times while I was in jail.

TONY. When those guys ask you questions, just put ice on your head and think twice before you answer.

JOE. I don't know what to do. Maybe the best thing is to cop a plea.

TONY. When the time comes to cop a plea, let me know and I will see that you get a good fix. Joe DeLuca knows how to do it.

JOE. You know one of the things that they got on Paul is buying their car for Nick.

TONY. Tell Paul to deny that he bought that car for him. They will never be able to prove it.

The CHAIRMAN. Who is Nick?

Mr. FOLLMER. Nicola Impostato.

TONY. I just told them I saw you in Tampa and never did say anything about New York.

JOE. They asked me the same thing and insisted you came to New York, but I told them if you were there, I didn't see you.

TONY. By God, we ought to be able to work out a deal some place in this thing.

JOE. The only way you can make a deal is to tell them something and maybe they will go easy on you.

TONY. It ain't going to do them any good to ask me anything.

JOE. You have to be careful that you don't talk too much.

TONY. The big guys are plenty scared. They are looking all ways to see which way to jump.

JOE. Say, Tony, where is Joe Patito's office?

TONY. It ain't far from here. You just walk down Twelfth Street three or four blocks to McGee, and up to Tenth and go in the Colony Finance Co. Just turn in where you see the finance company sign.

JOE. I got to go to see Joe Patito before I leave town.

TONY. I don't think anybody has talked too much.

JOE. You can mark my word that Paul won't talk.

TONY. I won't talk. They won't get anything out of me.

JOE. Follmer said if I would talk I could go home and unless I was able to prove what I had on my mind, I would not get any place. I told Paul let us wait until the time comes. They may put us away but let's wait and see.

JOE. If you cop out, you will only get 5 years.

TONY. Don't be so damn sure about that.

JOE. That is right.

TONY. Go ahead. You are crazy.

JOE. No; that is the truth. They give you your jail time.

TONY. That damn DeLuca spent plenty of dough to get out.

MR. HALLEY. Is that Paul DeLuca you are talking about?

MR. FOLLMER. Sir?

MR. HALLEY. Is that Paul DeLuca or Joe DeLuca?

MR. FOLLMER. Joe DeLuca.

JOE. He did?

TONY. Yeah. About \$50,000. Ten for the lawyers alone.

JOE. The odds are all against us. I am smart enough to know that the big guys are out to save themselves, and we are going to get the worst of it.

TONY. Yeah, that is the way it is.

JOE. If these blank blank ever come to Florida and ask me what to do and ask me to do them a favor, I won't do it for a million dollars.

TONY. I like Tampa, but I like St. Louis better.

JOE. There is no place like Tampa, and you know there wasn't any reason why we shouldn't have made a million dollars with the set-up we had there.

TONY. How is Butch?

JOE. He is a first lieutenant in the Army now.

MR. HALLEY. Who is "Butch"?

MR. FOLLMER. Butch is a former chief of the detectives of Tampa, Fla.

He is a swell guy. He didn't care about your business as long as you didn't do it in Tampa.

TONY. If anybody had been talking, I sure would like to know who it is.

JOE. You know you don't have to worry about me. Whatever I know I am going to keep to myself. It don't do you any good to talk and have to face three or four tough blank blank blank on the outside when you come out.

TONY. Somebody must have put the finger on me, and I have a hunch who it was.

How is the gambling down in Tampa now?

JOE. Hell, the Dagos couldn't do any good gambling in Tampa. The city charges, the sheriff charges, and the mayor charges. They just won't let you make any money. They used to be pretty strong out here in Kansas City, but they sort of lost out. They even asked me about the Mafia [and in notation he said "Laughs loud"] as if I would say anything about that.

MR. HALLEY. About the Mafia?

MR. FOLLMER. Yes.

TONY. Say, did you ever tell Jojo Cacciatore anything about this trouble?

JOE. Well, I will tell you. He asked me if I called up anybody in Kansas City, and I said "No, but maybe Paul did." Then Jojo said, "Well, he ought to be in trouble. He went up there to Kansas City shooting his mouth off." I asked him what was that, and Jojo said, "Ask your brother-in-law, Sam. He knows all about it."

TONY. Well, I'll be damned.

JOE. I admit that Paul is not so good, but you know a man is not going against his own brother, good or bad.

TONY. He has his faults, but I think he can be trusted.

JOE. He won't even tell me his troubles so you know he won't say anything to anybody else.

TONY. I don't trust anyone.

JOE. That is the best way.

Say, where do I make a reservation to go to Tampa?

TONY. At the Frisco Lines. I will call them up for you.

To show you how kinky that Buffa is, if he had stayed with that phony slot-machine story, everything would have been all right, but he had to go and tell them that he was taking care of my business and put me in it. Who in the hell does he think he is, saying he is taking care of my business?

JOE. How is Vitali getting along?

TONY. Oh, he is still in the joint.

JOE. How long has he been gone?

TONY. About 3 years. He went away after the holidays in 1939, January 6, 1939.

JOE. No, not '39.

TONY. No; you are right. It was January 6, 1940.

JOE. Can't he get a parole?

TONY. You can't get a parole on a Federal charge. He is in a Federal prison.

JOE. You can too get a Federal parole. Jojo got one, and he was in for the same thing.

JOE. What are the big guys going to do for us?

TONY. Buffa said DeLuca was going to see his lawyer as soon as he got out.

JOE. What is he trying to do?

TONY. He is going to try and put in a fix for you and Paul.

JOE. Well, I hope he can do it. O. K.

TONY. I think so. Tom said that Joe had his fix in already. They were afraid you both talked.

JOE. Hell, we didn't tell them anything.

TONY. I told them you didn't, but I was a little afraid of Paul.

JOE. No; Paul hasn't talked either. I know that.

TONY. I told Barnes right in front of Buffa that I was afraid of Paul talking but not you. Tom asked if you or Paul had talked.

JOE. He did? What did Barnes say?

TONY. He said you and Paul wouldn't even tell him anything, let alone tell the Government.

JOE. Well, I hope everything comes out all right.

TONY. You just wait until the time comes and we will come out O. K. You know these Government charges are pretty tough, but there is ways of getting around them, too. Money talks. We will stay to the finish and see who all snitched.

JOE. Yeah. I guess we will find out all right when the time comes.

TONY. Never give confidence in nobody, not even Jesus Christ, and then you won't go wrong, understand.

JOE. Well, I think somebody ought to do something for us.

TONY. Those big shots have to take care of us and they know it. Unless you are scared to death like Paul, and then they won't do a damned thing for you. Don't think that the big boys are not out to save their own necks, and they will talk too, but they do it in a different way.

JOE. If anything is ever said about what we talked about in this room and it comes from me, I hope that God strikes me dead.

TONY. If I didn't have confidence in you I would never have told you the things I have today about this business. I will do my own talking if the time ever comes, but the way things look right now they are going to take care of us and I am going to fight to the finish.

Senator WILEY. What did they refer to by this business? I have been listening to that. What are they talking about?

Mr. FOLLMER. Sir?

Senator WILEY. What does that refer to? He says, "I wouldn't have told you today about this business." I have been waiting to see what this business is.

Mr. FOLLMER. The business refers to the narcotics cases pending against them. These are all codefendants speaking now.

Senator WILEY. They are narcotics cases?

Mr. FOLLMER. Yes.

Senator WILEY. All right.

Mr. FOLLMER (continuing) :

JOE. We are all together in this deal and we will have to keep our mouths shut and fight to a finish together. I am going to take an oath that regardless of the outcome or how many years I get that I want to be a man and be able to look you and the rest of the fellows in the face when I come out.

Mr. HALLEY. At this point, Mr. Chairman, I would like to offer for identification three charts. Do you have them, Mr. White? They are to be known as exhibits Nos. 9, 10, and 11.

The CHAIRMAN. These charts will be received for identification as exhibits 9, 10, and 11.

(The charts referred to are identified as exhibits Nos. 9, 10, and 11, and appear in the appendix on pp. 412, 413, and 414.)

Mr. HALLEY. Turning your attention to exhibit No. 11, Mr. Follmer, will you explain the chart on that exhibit? In other words, where is raw opium produced legitimately?

Mr. FOLLMER. Turkey, Persia, and India.

Mr. HALLEY. When it has been processed, what ports do you find generally it is picked up at by smugglers for the most part in this period?

Mr. FOLLMER. This chart refers to French and Italian ports.

Mr. HALLEY. Is that your experience?

Mr. FOLLMER. In the case this chart refers to, that was the case.

Mr. HALLEY. You are referring to the particular narcotics that you are dealing with in the Carrannisa case?

Mr. FOLLMER. That is right.

Mr. HALLEY. From those French and Italian ports where did the opium and heroin come from. How did it get into this country?

Mr. FOLLMER. Either by way of New York, Cuba, or New Orleans.

Mr. HALLEY. When it came from Cuba, did it go through Tampa and New Orleans? Is that how it was handled?

Mr. FOLLMER. When it came from Cuba it came by way of Tampa, Fla.

Mr. HALLEY. Who handled it in Florida?

Mr. FOLLMER. Paul and Joseph Antinori.

Mr. HALLEY. In New Orleans, Carrollo?

Mr. FOLLMER. Yes, Sam Carrollo.

Mr. HALLEY. I see.

The CHAIRMAN. Before you get on with Carrollo, Mr. Halley, Carrollo after quite a long legal fight was finally convicted and deported some time back, was he not?

Mr. FOLLMER. That is right.

The CHAIRMAN. But when he was in Mexico, I believe, it was found that he had gotten back into Louisiana and they had to get him out again.

Mr. FOLLMER. Yes. He was apprehended recently in New Orleans. I don't believe he has been deported yet. There is a charge of illegal entry on him.

The CHAIRMAN. He is the same fellow for which some bill was filed in Congress to prevent his deportation at one time, or any way to have the Attorney General investigate whether he should be deported or not?

Mr. FOLLMER. Yes.

The CHAIRMAN. There has been no such deportation?

Mr. FOLLMER. That is right.

The CHAIRMAN. Excuse me, Mr. Halley.

Mr. HALLEY. Thank you.

Through the port of New York, who handles it for the Mafia?

Mr. FOLLMER. Sebastino Nani.

Mr. HALLEY. All of these narcotics didn't come to Kansas City. Some went to other places, didn't they? In other words, you are building the chart that relates to Kansas City because the case was here, is that right?

Mr. FOLLMER. That is right.

Mr. HALLEY. In Kansas City who was in charge of handling it?

Mr. FOLLMER. Joseph DeLuca.

Mr. HALLEY. And the other defendants in this case?

Mr. FOLLMER. The other defendants in this case; yes, sir.

Mr. HALLEY. In St. Louis was it handled by Vitalli and Buffa?

Mr. FOLLMER. That is correct.

Mr. HALLEY. Your chart indicates that it would first come to Kansas City and then be shipped to St. Louis.

Mr. FOLLMER. Yes.

Mr. HALLEY. Go ahead and describe the remaining progress of the narcotics. What was Carramusa's place, for instance?

Mr. FOLLMER. The remainder of the chart indicates the methods or routes of distribution. The drugs first were turned over to Carl Carramusa and were taken to Pernice's residence on Montgall Street and concealed and then transferred as it was needed to Charles Binaggio who turned it over to Louis and Patsy Ventola for sale.

The CHAIRMAN. For sale to whom?

Mr. FOLLMER. To the dealers who supplied the addicts.

Mr. HALLEY. Have various people who figured in this case turned up in other forms of criminal activity to your knowledge?

Mr. FOLLMER. Yes.

Mr. HALLEY. Gambling?

Mr. FOLLMER. Yes.

Mr. HALLEY. Before this case in prohibition offenses, is that right?

Mr. FOLLMER. Yes.

Mr. HALLEY. Have some of them been engaged in legal occupations to your knowledge?

Mr. FOLLMER. Yes.

Mr. HALLEY. For instance, in the liquor industry do you know whether Joe DeLuca is now in the liquor business?

Mr. FOLLMER. Retail liquor business; yes, sir.

Mr. HALLEY. Do you know whether Impostato is?

Mr. FOLLMER. He is employed in a retail liquor store.

Mr. HALLEY. By Paul DiGiovanni?

Mr. FOLLMER. By some member of the DiGiovanni family. I am not certain which one.

Mr. HALLEY. I think you mentioned in your testimony that Cantanzaro, who was attacked by the mob after the murder of the Carramusa child, is now, and has since then, been working for another one of the DiGiovannis?

Mr. FOLLMER. Yes.

Mr. HALLEY. For Peter and Joseph DiGiovanni, is that right?

Mr. FOLLMER. Yes.

Mr. HALLEY. Is Patsy Ventola also working for Paul DiGiovanni?

Mr. FOLLMER. Patsy Ventola is the son-in-law of Pete DiGiovanni, and he has the two Stop and Shop retail liquor stores on Sixth Street.

Mr. HALLEY. Is Patsy Ventola a man with a record for narcotics?

Mr. FOLLMER. He has a previous conviction; yes.

Mr. HALLEY. Is that where Impostato works, with the Stop and Shop stores?

Mr. FOLLMER. Yes.

Mr. HALLEY. Do you know whether Impostato has the nickname of "enforcer"? Is he considered a strong-arm man?

Mr. FOLLMER. He has been termed that; yes.

Mr. HALLEY. Do you know whether Impostato ever worked for any bakery in this city?

Mr. FOLLMER. The Roma Bakery.

Mr. HALLEY. Looking at the chart which is entitled "Exhibit No. 10," would you state whether you can identify the persons who are listed on the left-hand lower side as persons who have been described to you as members of the Mafia?

Mr. FOLLMER. It is the consensus of the persons of Sicilian birth that I have talked with that these persons are members.

Mr. HALLEY. You in the course of your work have been here in Kansas City for some 20 years, is that right?

Mr. FOLLMER. Yes, 21 years.

Mr. HALLEY. You have various informants who naturally you would not mention but who give you information about the Mafia, is that right?

Mr. FOLLMER. Yes.

Mr. HALLEY. Some of them are themselves members, is that right?

Mr. FOLLMER. No; I wouldn't say that was correct, sir.

Mr. HALLEY. You would not. But on the basis of your information are you able to state the names of the persons believed by you to be members of the Mafia in this city?

Mr. FOLLMER. As I mentioned, the list that you have here—

Mr. HALLEY. Would you read the list and state whether they are the members?

Mr. FOLLMER. James Balestrere, Joseph DiGiovanni, Pete DiGiovanni, Charles DiGiovanni, Frank DeLuca, Joseph DeLuca, Tony Gizzi, Tano Lacoco, Joseph Filardo, Joseph Cusumano, Nick Niccolo Impostato, John Blando, Vincent Chipetti, Frank Larocca, Paul Oncono, Paul Farantelli, Joseph Lascoula, Lonis Congeloso, Antonio Bonino, Paul Cantanzaro, James DiSimone, Vito Balestrere.

Mr. HALLEY. Who have you been informed is the local leader of the Mafia society?

Mr. FOLLMER. From the persons I have talked with in the past there seems to be some contention as to which of two people is the head. Some say it was James Balestrere and others say it was Joseph Di-Giovanni.

Mr. HALLEY. Who is John Lazia?

Mr. FOLLMER. John Lazia was the leader or czar of the underworld for a number of years prior to his assassination.

Mr. HALLEY. He was killed in 1934?

Mr. FOLLMER. Yes.

Mr. HALLEY. Prior to that he controlled gambling in this area, would you say?

Mr. FOLLMER. Yes.

Mr. HALLEY. Did he then work by agreement with the local Mafia society?

Mr. FOLLMER. He was associated very closely with the people who were alleged members.

Mr. HALLEY. We have been talking about the Mafia society. Would you state very briefly what you have learned from informants and your investigations, and I might add such scraps as you are able to gather from that and similar conversations that you may have overheard, what the Mafia is?

Mr. FOLLMER. As I understand it, the Mafia is a secret organization which has no written rules or regulations, and it is made up of a national head in Palermo.

The CHAIRMAN. You mean an international head.

Mr. FOLLMER. An international head in Palermo, and a national head in the various countries of the world that have any sizable Sicilian population.

According to the information there are two distinct classes in the Mafia, the inner circle and the outer circle. The inner circle consists of persons who either through the fact that they occupy a high position or had high standing before they were members, or the fact that they have performed some special feat of merit for the organization, make up that group, and the outer circle are lesser lights, sort of do the rough work and do the bidding of the men in the inner circle.

The CHAIRMAN. Mr. Follmer, at that point, I think we should make it clear that you do not mean that any Sicilian is a member. It is a very small percentage of the Sicilian population of this country.

Mr. FOLLMER. That is right. It is my understanding that the membership of the organization is very limited.

The CHAIRMAN. And, of course, we know there are a lot of good citizens who are of Sicilian origin, so it is a very limited number of the people of Sicilian origin.

Mr. FOLLMER. It is a very small minority.

Senator WILEY. What is the purpose or objective of the Mafia, as you understand it? It is a secret society?

Mr. FOLLMER. According to historical records, it was originally founded for the purpose of dealing with the oppression of the rich and of the crooked politicians and law-enforcement officers in Sicily.

Senator WILEY. I understand that all right. Now I want to know whether it has got an offshoot in this country, and whether you have any knowledge as to whether it has any definite objectives that we know of?

Mr. FOLLMER. Well, the apparent objective in this country is to control gambling and other rackets in the various major cities over the country.

Senator WILEY. Has it not extended itself to really getting control of what might be called legitimate business at times, too?

Mr. FOLLMER. That is true; it has.

Senator WILEY. I did not mean to interrupt.

The CHAIRMAN. That is a very pertinent question.

Senator WILEY. I have some more questions that I would like to ask.

Mr. HALLEY. Finishing up with the general discussion, the chart has in its lower right-hand corner a heading "Unsolved murders." Will you state what murders are referred to, and whether or not they are considered to be Mafia inspired murders?

Mr. FOLLMER. Charles Binaggio and Charles Gargotta, which are the first two murders mentioned here, and then Mary Bonomo, Wolf Riman, Jack Gregory, Carl Carramusa, Frank Carramusa, Joe Raima, Louis Olivero, Mike Licausi, Johnny Mutolo, Louis Cuccia, Joe Anch, Fred Renegar, Leroy Crist, and Ferris Anthon.

Mr. HALLEY. I have no other questions.

The CHAIRMAN. Senator Wiley.

Senator WILEY. Those are unsolved murders. Are these folks of Sicilian descent or Sicilian?

Mr. FOLLMER. No, not all of them.

Senator WILEY. You think they are Mafia murders?

Mr. FOLLMER. Well, all of these murders have been attributed to the Mafia by persons engaged in law-enforcement work. The only murder that I investigated myself was the Carramussa murder, one that I had any knowledge of.

Senator WILEY. Does the Mafia always use shotguns?

Mr. FOLLMER. Not always; sometimes revolvers.

Senator WILEY. If I get it right, you are the narcotics agent in the Bureau of the United States Treasury. You have lived in this town for a good many years. How many narcotics addicts do you think you have in this city of half a million people?

Mr. FOLLMER. When I first started to work in 1929, there were more than 1,500 known addicts in the files of the Kansas City Police Department, and the majority of those addicts, at least 85 percent of them, were white. Today there is not more than 40 or 50 white addicts, and possibly 250 or 300 colored addicts.

Senator WILEY. How many peddlers of narcotics?

Mr. FOLLMER. How many peddlers?

Senator WILEY. Yes.

Mr. FOLLMER. There was about three persons supplying drugs from outside of Kansas City, bringing them in, that is, I mean three persons were outside sources of supply. We apprehended one of those last night.

Senator WILEY. From your figures, you say you got one last night?

Mr. FOLLMER. Night before last.

Senator WILEY. Was this a peddler or an addict that you got night before last?

Mr. FOLLMER. A narcotics peddler.

Senator WILEY. Where did he get his supply?

Mr. FOLLMER. Chicago, Ill.

Senator WILEY. Was he a resident of Chicago?

Mr. FOLLMER. No; he is a Kansas City resident.

Senator WILEY. Well, apparently conditions here have improved according to your statistics.

Mr. FOLLMER. They have.

Senator WILEY. Did you know Binaggio?

Mr. FOLLMER. Yes; I knew him.

Senator WILEY. Did you have any conversation with him shortly before his death?

Mr. FOLLMER. Yes; I talked to him on a number of occasions, several occasions, anyhow.

Senator WILEY. What did you talk about?

Mr. FOLLMER. Oh, we talked about politics, and about gambling, about the fact that he thought he would leave Kansas City.

Senator WILEY. Tell me this: How old a man was he?

Mr. FOLLMER. Charlie was about 42, I believe.

Senator WILEY. Was he born in this country?

Mr. FOLLMER. Yes.

Senator WILEY. Born in Kansas City?

Mr. FOLLMER. Born in Kansas City? I believe he was born in Louisiana. He was born in the United States.

Senator WILEY. You said among other things you talked about his getting out of politics?

Mr. FOLLMER. Yes.

Senator WILEY. Well, did he intimate to you his method in politics? I suppose he never ran for office or anything like that, did he?

Mr. FOLLMER. No; he didn't run for office.

Senator WILEY. He meant by getting out of politics, he meant controlling votes, controlling segments of the voting public, did he, or what did he mean?

Mr. FOLLMER. He headed a faction here, a political faction.

Senator WILEY. Yes, but what I am getting at is that apparently he was quite a character in his way, a Robin Hood. How do you characterize him, a buccaneer?

Mr. FOLLMER. Charlie was rather an unusual type of fellow for a racketeer. He seemed to enjoy his home very much and worked on the yard and spent a lot of time working on his flowers and shrubs, and he didn't smoke and rarely drank. But his other interest was gambling and possibly other things that I have no knowledge of.

Senator WILEY. You suggested that he suggested that he thought he would quit politics. Did he tell you then what his activity was going to be?

Mr. FOLLMER. He told me he planned to go to New Mexico.

Senator WILEY. Mexico?

Mr. FOLLMER. New Mexico.

Senator WILEY. What was he going to do down there?

Mr. FOLLMER. He stated that he planned to buy an interest in some pumice mine holdings there, and that he believed that the Government would buy the pumice for use in runways.

Senator WILEY. We have had some testimony this morning. Did he ever talk to you about him opening up this city in relation to his activities with the Governor, or what he tried to do with the commissioners, and so forth?

Mr. FOLLMER. Well, from conversations I had with him, I think that he had a lot of people trying to put pressure on him to get the city opened up. He would, naturally he wanted it opened a little more than it was, but he didn't want everybody in the rackets, or at least everybody in gambling.

Senator WILEY. Was he a member of the Mafia?

Mr. FOLLMER. I have heard that he was.

Senator WILEY. You never discussed that with him?

Mr. FOLLMER. He always laughed when we mentioned it. I have talked to him about it. He always laughed and said there was not any such thing, never heard of it.

Senator WILEY. I am interested to get your short analysis of what his activity in politics was, that is, he was in politics. Now, I assume by that that he was sort of a manipulator, is that what he meant, and what you understood he meant when he was going to get out of manipulating things?

Mr. FOLLMER. That is right. The way I understand it, sir, his position was that he was sort of an acting head of the organization. He had other people tell him what to do. And the only thing that he was able to gain for himself personally was a percentage of certain gambling games that were able to operate, and the other people here put so much pressure on him to try to get things the way they wanted and to make more money, that he said for what little he got out of it really was not worth it, and I know he was supposed to be practically broke financially at the time he got killed.

Senator WILEY. Was this conversation shortly before he was knocked off?

Mr. FOLLMER. Sir?

Senator WILEY. Was this shortly before he was knocked off?

Mr. FOLLMER. Yes, we talked about the same things.

Senator WILEY. What I was trying to get at, did you notice any difference in his approach, was he nervous, did he indicate to you that he was being pressured, or did he indicate to you that he had apprehension of coming events?

Mr. FOLLMER. I am sure he didn't.

Senator WILEY. He did not?

Mr. FOLLMER. No.

Senator WILEY. He was perfectly normal, in other words?

Mr. FOLLMER. Yes, he was a little aggravated at certain things that happened, but as far as him anticipating him being killed, I don't think that he felt he would be, never would have been able to get him down where he was at night if he was.

Senator WILEY. Did he say anything to you about being unable to deliver in politics as he had figured he could deliver?

Mr. FOLLMER. Well, he said that people expected him to do the impossible.

Senator WILEY. Now we have got it. He said the people. Whom did he mean by "the people." That is what I am getting at.

Mr. FOLLMER. His associates.

Senator WILEY. What?

Mr. FOLLMER. His associates.

Senator WILEY. And could you name them?

Mr. FOLLMER. Well, yes, I can name some of them.

Senator WILEY. Do you mean the gambling interests, the dope interests, and so forth, in the city here?

Mr. FOLLMER. Mostly gambling.

Senator WILEY. Well, then, there was nothing to indicate in your talking with him that he felt that his end was approaching or anything like that, is that right?

Mr. FOLLMER. No, he was, I think Charlie was sort of hurt in a way that he felt that even his friends had sort of let him down, I mean, but he did not anticipate being murdered.

Senator WILEY. Have you any answers as to who did the murder?

Mr. FOLLMER. No, I haven't.

Senator WILEY. A slightest suspicion?

Mr. FOLLMER. I would not. I have my opinions as to who might have had it done, but I don't know who did it.

Senator WILEY. You think the Mafia was in it?

Mr. FOLLMER. The people that are alleged members.

Senator WILEY. Do you think it was his own, what we say, kinfolk in the business?

Mr. FOLLMER. I think it was his close associates; yes, I do.

Senator WILEY. His close associates. You don't think there was any question of any internecine quarrel between the political factions in the city, or anything like that?

Mr. FOLLMER. There was that, too.

Senator WILEY. There was that, too?

Mr. FOLLMER. Yes. As a matter of fact, that is, I think, one of the underlying principles that got him killed.

Senator WILEY. What was that?

Mr. FOLLMER. The underlying principle that caused him to be killed.

The CHAIRMAN. What do you mean by that?

Senator WILEY. Can you be more specific than that?

Mr. FOLLMER. There was jealousy among his own associates. Charlie was a very temperamental and headstrong sort of fellow, and I know that during the year prior to his death he had been requested to do certain things, and instead of doing like he was told, he did them to suit himself.

Senator WILEY. This place where he was killed, where was that? What was that called?

Mr. FOLLMER. The First Ward Democratic Club, I believe.

Senator WILEY. The first ward in the city. Is that ward there largely of people of Sicilian descent?

Mr. FOLLMER. Well, I am not too familiar with what the ward boundaries are. The Italian section is much farther north than that.

Senator WILEY. This is not the Italian section?

Mr. FOLLMER. No, although it must take in that north side, because I know they always had workers down there.

Senator WILEY. Do you know how far his friendship extended, Binaggio? Was he into Chicago, Washington, have personal friends of any kind?

Mr. FOLLMER. He had a few personal friends, I am sure, in some of those cities. He has mentioned some of them, but his acquaintance was not near as extensive as certain of his associates were.

Senator WILEY. The chap that was with him, Gargotta, was that his name?

Mr. FOLLMER. Charles Gargotta.

Senator WILEY. Yes. What kind of a chap was he?

Mr. FOLLMER. Well, Charlie was a little different type.

Senator WILEY. An understudy of Binaggio, or was he?

Mr. FOLLMER. No, originally there were five persons at the head of the old North Side Democratic Club. They were Balestrere, Gizzo, Lacoco, Gargotta, and Binaggio.

Senator WILEY. That is all.

The CHAIRMAN. Mr. Follmer, you have shown here on this diagram, exhibit No. 11, about where the opium came from in the case that you handled, Turkey, Persia, and India. They, I believe, are the principal sources of raw opium, are they not?

Mr. FOLLMER. Yes.

The CHAIRMAN. And Peru.

Mr. FOLLMER. Peru is the principal producer of cocaine.

The CHAIRMAN. Cocaine?

Mr. FOLLMER. That is right.

The CHAIRMAN. What is being done through the United Nations and through committees to try to close up these morphine producing places in Turkey and Persia and other nations? There is considerable headway being made?

Mr. FOLLMER. Mr. Anslinger has spent considerable time in the United Nations. Of course a number of countries were signatories to the opium treaty prior to the time that the United Nations organization was formed.

The CHAIRMAN. I notice the sentences passed out here for heinous offense of selling opium seemed to be pretty small sentences. Has that been one of your troubles in getting substantial enough sentences, particularly on second convictions?

Mr. FOLLMER. Yes, it has.

The CHAIRMAN. Is that true throughout the country?

Mr. FOLLMER. I am sure it is.

The CHAIRMAN. Mr. Anslinger has recommended that consideration be given to compulsory stiffer sentences, particularly on second convictions.

Mr. FOLLMER. Yes.

The CHAIRMAN. And sometimes do you have people who are let out on parole even though they may have sold opium or sold narcotics?

Mr. FOLLMER. Yes.

The CHAIRMAN. You have had that here in Kansas City?

Mr. FOLLMER. We have.

The CHAIRMAN. And that does not help you fellows in the enforcement section, does it?

Mr. FOLLMER. No, it does not.

The CHAIRMAN. Do you have any recommendations that you would give this committee as to what we could recommend to Congress that would help you fellows in the field in coping with this nefarious business, very briefly? I do not want to go into great detail.

Mr. FOLLMER. Yes. Well, I believe, sir, that mandatory sentences of sufficient duration for second and subsequent offenders would be a great help in our work.

The CHAIRMAN. Any other recommendations?

Mr. FOLLMER. Pertaining to that same?

The CHAIRMAN. Yes, sir.

Mr. FOLLMER. I think that compulsory deportation for nationals, I mean for persons who are not citizens, would also be very good, sir, persons convicted of narcotic-law violations, who are not citizens of the country, should be deported.

The CHAIRMAN. You had a case in Kansas City here of somebody who was in a ring, and then his deportation was held up for some time?

Mr. FOLLMER. He was not convicted of narcotics. Charles Carollo.

The CHAIRMAN. Yes, Carollo. It was Carollo in New Orleans.

Mr. FOLLMER. Sam Carollo.

The CHAIRMAN. Some other matter that he was convicted of.

Mr. FOLLMER. Yes.

The CHAIRMAN. So you think this business of holding them here by bills in Congress or otherwise also hurts the work of you agents?

Mr. FOLLMER. Yes, that is right.

The CHAIRMAN. Any other recommendations?

Mr. FOLLMER. I think that is all, sir.

The CHAIRMAN. I think it should be stated that Senator Wiley and Mr. Halley and I happen to know that the Bureau of Narcotics now gets just about the same appropriation for enforcement that it got in 1930. In spite of the fact that it has not gotten any larger appropriation and does not have as many men now because they have to get a little more money than they did in 1930, and cannot employ as many, they have about 180 agents to cover the whole United States, they have, with the amount of money that they have had, done a remarkably good job, and it has been our feeling in our first report that we thought that they should be given larger appropriations because manpower-wise they are shorter now than they were in 1930, and yet they have reduced the traffic of morphine and heroin in this country very greatly over a period of these 20 years. These narcotics agents very rarely think about vacations, about working hours, about working long hours in the day and at night. They are devoted to public duty, and both as a matter of manpower and as to salary, I think they are due better consideration by Congress than they have gotten.

Senator WILEY. I want to agree with the sentiment you have expressed, and I want to express my personal appreciation to Mr. Follmer. He is one of the type that should give the average citizen a sort of pickup when they realize what a public servant of his character is doing over here. He has been twenty-odd years in this community. He has given of the best he has. It seems to me, and I want to ask one other question, how many of these people in the Mafia are engaged in the opium-heroin trade, how many of them have become United States citizens by naturalization? What percentagewise I am getting at, because we are thinking very seriously and just recently have passed a bill known as the anti-Communist bill, which has in it certain provisions in relation to immigration and deportation of these folks. I want to get the percentage of these people in your judgment that have become law violators. We may have an answer there. It has been pretty hard to kick the fellow out of the country and get rid of his citizenship, but we recognize we are living in a different world and it is important that probably we have new weapons that way. I am wondering what your reaction is, first, to the percentage of these people who have become citizens by naturalization, as against the total number of violators.

MR. FOLLMER. To answer your question, first, the majority of these, that is, of the members of the Mafia that you have reference to there, came from Sicily during the period from about 1924 to 1928.

SENATOR WILEY. They are foreign-born, then.

MR. FOLLMER. They are all foreign-born. Less than probably 5 percent of those people have become citizens, not more than 5 percent, because many of them were not able to read and write, and some still can't. However, the newer members are born in this country and are citizens. Of course, compulsory deportation for a person convicted of the narcotics laws, regardless of what country he is from, would be very good. I mean it would help. It seems many of the foreigners, people of foreign birth, come to this country with the idea of violating laws, and that does not necessarily pertain to the Italian people. It would be all races.

THE CHAIRMAN. Mr. Follmer, is it true that these fellows in the Mafia, the way they carry on their Nation-wide organization, is by strange means of knowing one another in the various cities, where meeting places are? Do they confine it to that? Is that true?

MR. FOLLMER. That is right. They know at least one or two persons in every major city or even some of the smaller cities. They are acquainted and if they don't happen to know offhand who to see in that city, they can soon find out by contacting some member that does.

THE CHAIRMAN. Is there a kind of code among them, if one fellow is in trouble, that others chip in without saying anything about it?

MR. FOLLMER. Yes.

THE CHAIRMAN. You may recall that in Chicago when DeLucia and Campagna were in the penitentiary, that they had a tax case where \$120,000 was needed, that just out of the blue people came into a tax-accountant's office and left \$100,000 and he testified he didn't know who they were, never saw them before, and they do not to this day know who the people were that left the \$120,000 there. Does that sound Mafia-like or possible?

MR. FOLLMER. Very much.

SENATOR WILEY. If that is a trait, we might all profit by it. We could get folks to look after us like that.

THE CHAIRMAN. Would it surprise you to be told that Lucky Luciano also gets money in envelopes from this country, and he claims he doesn't know where it comes from? Is that the way the system operates?

MR. FOLLMER. Yes.

THE CHAIRMAN. This fellow Gargotta—did he have a criminal record?

MR. FOLLMER. Yes, he did.

THE CHAIRMAN. What was his record?

MR. FOLLMER. He was convicted for possessing a stolen Government revolver, a .45-caliber automatic.

THE CHAIRMAN. Did he serve time in that connection?

MR. FOLLMER. Three years, I believe.

THE CHAIRMAN. What happened to him? Was that his only conviction?

MR. FOLLMER. I believe he had another conviction. I am not too familiar with his record.

Mr. HALLEY. He was convicted of shooting that particular gun in the general direction of Sheriff Tom Bash, wasn't he?

Mr. FOLLMER. I don't know whether he was convicted, but that is what happened. That is where the gun was found. He was found with the gun on him at the time that Ferris Anthon was murdered, and following the murder they were caught in the act by the sheriff and his deputies and two of Gargotta's associates were killed at the scene of the murder of Ferris Anthon.

Mr. HALLEY. Gargotta shot a gun, the bullet entered Anthon's body and he was killed.

Mr. FOLLMER. Yes.

Mr. HALLEY. Gargotta was then convicted of shooting a gun in the general direction of the sheriff who was trying to stop him from shooting the gun; is that right?

Mr. FOLLMER. I didn't think he was tried—

Mr. HALLEY. Just for possession of the gun?

Mr. FOLLMER. Yes.

The CHAIRMAN. Did he get a pardon or something?

Mr. FOLLMER. No. I think it was only a 3-year sentence. He never was tried for that murder.

Senator WILEY. What was he tried for?

Mr. FOLLMER. Possessing a stolen Government revolver.

Senator WILEY. Was it a Federal offense he was tried for?

Mr. FOLLMER. Yes.

The CHAIRMAN. And was never tried for a State offense?

Mr. FOLLMER. No.

The CHAIRMAN. When was that?

Mr. FOLLMER. That was during the time—it was about 1934 or 1935, along there.

The CHAIRMAN. They convicted him of possessing a stolen revolver, a Government offense, but no conviction for the shooting offense?

Mr. FOLLMER. It is my understanding he wasn't tried at all.

The CHAIRMAN. I see General Wear has something to say.

Mr. SAM M. WEAR (United States district attorney, Kansas City, Mo.). Here is what happened, if I may put in. He was convicted in this court. I wasn't district attorney at that time, however. He was convicted in court for possessing a Government revolver, but that case was reversed by the court of appeals. Then, as I remember it, he was convicted here for assault and attempt to kill and was given 3 years in the State court. He was convicted but it was reversed.

The CHAIRMAN. Did he serve out all that time?

Mr. WEAR. Yes, sir; I think he did.

Senator WILEY. All that time? [Laughter.]

Mr. WEAR. Probably something off for good behavior, no doubt, Senator.

Mr. HALLEY. Do you know whether or not he was pardoned for the restoration of his civil rights after he served his term?

Mr. WEAR. No, sir; I don't know.

Senator WILEY. Do you think—it is probably a little bit irrelevant, but still it is pertinent—that one of the reasons to continue having this disease of murder, crime, is that there isn't sufficient law enforcement?

Mr. FOLLMER. Well, I wouldn't say there isn't sufficient law enforcement.

Senator WILEY. Well, inadequate. If a man kills another and he is not charged with murder, but is charged with possessing a gun——

Mr. FOLLMER. There wasn't at that time.

Senator WILEY. There was not back in those days.

Mr. FOLLMER. Enforcement was both inefficient and inadequate.

Senator WILEY. I think that condition has improved, however.

Mr. FOLLMER. Yes, it has. I am sure it has.

The CHAIRMAN. Mr. Follmer, you have looked over exhibit No. 10 showing the occupations and things these people are in. Is that correct according to your best information?

Mr. FOLLMER. Yes.

The CHAIRMAN. In other words, you can verify exhibits Nos. 10 and 11?

Mr. FOLLMER. I can.

The CHAIRMAN. That is all. Will you stand aside? Thank you, Mr. Follmer.

Mr. FOLLMER. Thank you.

The CHAIRMAN. Mr. Pendergast, will you come around? Is Mr. Pendergast here? Do you solemnly swear the testimony you will give this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. PENDERGAST. I do.

TESTIMONY OF JAMES A. PENDERGAST, ATTORNEY, KANSAS CITY, MO.

Mr. HALLEY. Mr. Pendergast, you are an attorney?

Mr. PENDERGAST. Yes, sir.

Mr. HALLEY. You have in a real sense succeeded to the mantle of your late uncle as political leader in this area?

Mr. PENDERGAST. Ten years ago.

Mr. HALLEY. You serve on the Democratic State Committee, is that correct?

Mr. PENDERGAST. Yes, sir.

Mr. HALLEY. Do you hold any other office, either political or otherwise?

Mr. PENDERGAST. No, sir.

Mr. HALLEY. There has been considerable testimony here about the primary election leading to the nomination of Governor Smith and events which followed it. Would you state whether you opposed or supported Forrest Smith in that primary election?

Mr. PENDERGAST. I supported Dan Nee.

The CHAIRMAN. Who, Mr. Pendergast?

Mr. PENDERGAST. Dan Nee.

Mr. HALLEY. You and your organization worked against the nomination of Smith, then?

Mr. PENDERGAST. Yes, sir.

Mr. HALLEY. Charles Binaggio's organization was supporting Smith in that campaign, is that true?

Mr. PENDERGAST. That is true; yes, sir.

Mr. HALLEY. Was it generally understood that if Smith was elected Binaggio would have his own way with reference to law enforcement in Kansas City?

Mr. PENDERGAST. I think, so; yes, sir.

Mr. HALLEY. It was understood that he certainly would have substantial influence, is that right?

Mr. PENDERGAST. That is right.

Mr. HALLEY. Was that one of the elements which entered into the campaign?

Mr. PENDERGAST. I don't believe it did at the primary. I think they used it at election time.

Mr. HALLEY. You meant it was used against Smith?

Mr. PENDERGAST. Yes.

Mr. HALLEY. It wasn't used for Smith, though, by Binaggio at the primary?

Mr. PENDERGAST. I don't believe so; no, sir.

Mr. HALLEY. After Smith was elected he appointed, as we all know, two new members of the police commission in Kansas City.

Mr. PENDERGAST. Yes, sir.

Mr. HALLEY. Will you state what you know about the circumstances of those appointments, not only factually but what their political backing was, what the support was for those appointments?

Mr. PENDERGAST. It is my understanding that Mr. Milligan was appointed because he was a personal friend of the Governor's, being from the same county. Sheridan Farrell was recognized as belonging to the Binaggio faction in the city.

Mr. HALLEY. During the campaign had Farrell supported opening up the city?

Mr. PENDERGAST. Not to my knowledge.

Mr. HALLEY. Was it generally understood that he favored a more open city than there had been in the past?

Mr. PENDERGAST. I believe he stated that. He was a believer in an open city, yes, sir.

Mr. HALLEY. By an open city one would mean more gambling?

Mr. PENDERGAST. Yes, sir.

The CHAIRMAN. More things for visitors to do.

Mr. PENDERGAST. That is right.

Mr. HALLEY. After Farrell and Milligan were appointed to the police commission they still could not control the activities of the police force without the cooperation of either Cohn or Chambers, is that right?

Mr. PENDERGAST. That is right.

Mr. HALLEY. Do you know of any efforts that were made by Binaggio to get the cooperation of Cohn or Chambers?

Mr. PENDERGAST. No, sir.

Mr. HALLEY. Was it generally reputed that Binaggio was attempting to get them to go along with Farrell and Milligan?

Mr. PENDERGAST. Not to my knowledge.

Mr. HALLEY. You knew nothing about that?

Mr. PENDERGAST. No, sir.

Mr. HALLEY. When did Binaggio first begin to wield any substantial influence in politics in Kansas City?

Mr. PENDERGAST. At that primary.

Mr. HALLEY. When did he first become known at all as a political figure, in what election would you say?

Mr. PENDERGAST. 1944.

Mr. HALLEY. In 1944 did he come to your office and have a conversation with you about Mr. Donnelly?

Mr. PENDERGAST. Yes, sir.

Mr. HALLEY. When was that, Mr. Pendergast? If you can place the time a little closer, I think the committee would appreciate it.

Mr. PENDERGAST. It would have to be early in the campaign before the people had made up their mind who they were going to support. He wanted to know what I thought Donnelly's attitude would be about opening up the city, and I told him he wouldn't do it. So they didn't support Donnelly that time.

Mr. HALLEY. Did he ask you to talk to Donnelly?

Mr. PENDERGAST. Yes, sir.

Mr. HALLEY. Did you agree to talk to Donnelly?

Mr. PENDERGAST. No, sir.

Mr. HALLEY. And you refused to talk to Donnelly?

Mr. PENDERGAST. Yes, sir.

The CHAIRMAN. Did you know already that he wouldn't open up the city?

Mr. PENDERGAST. I knew he just wasn't that type of man.

Mr. HALLEY. In 1946 were you and Binaggio supporting different candidates or the same candidates?

Mr. PENDERGAST. I suppose down the line somewhere on the county ticket we supported the same people.

Mr. HALLEY. In 1944 you had supported Donnelly and he had supported Sermon, is that right?

Mr. PENDERGAST. That is true; yes, sir.

Mr. HALLEY. At least as far as the governorship was concerned, you were on opposite sides of the fence?

Mr. PENDERGAST. Yes, sir.

Senator WILEY. How about the President?

Mr. PENDERGAST. In 1944.

Mr. HALLEY. This is the primary we are talking about.

Senator WILEY. I wanted to know if they all agreed on whom they would support for the President in 1944.

The CHAIRMAN. All Democrats supported Roosevelt.

Senator WILEY. All Democrats?

The CHAIRMAN. All good ones.

Senator WILEY. We will get around to 1948 now. You were supporting the President in 1946?

Mr. PENDERGAST. I have supported the President ever since 1946, Senator.

Mr. HALLEY. In 1946 there was a primary contest between Mr. Axtel and Mr. Slaughter, is that right, for Congress?

Mr. PENDERGAST. 1946, yes, sir.

Mr. HALLEY. In that particular primary campaign whom did you support?

Mr. PENDERGAST. Axtel.

Mr. HALLEY. Did Binaggio also support Axtel in that campaign?

Mr. PENDERGAST. Yes, sir.

Mr. HALLEY. Axtel actually was nominated, is that right?

Mr. PENDERGAST. Yes, sir.

Mr. HALLEY. Did you win the election and send him to Congress?

Mr. PENDERGAST. No, sir.

Mr. HALLEY. He lost in the final election?

Mr. PENDERGAST. Judge Reeves won.

The CHAIRMAN. Albert Reeves, Jr.

Mr. PENDERGAST. Yes, sir.

Mr. HALLEY. That is the primary, however, out of which the ballot fraud charge grew, is that correct?

Mr. PENDERGAST. Yes, sir.

Mr. HALLEY. Do you have any idea of who stole the ballots in the spring of 1947?

Mr. PENDERGAST. No, sir.

Mr. HALLEY. The fraud occurred, the primary occurred in August of 1946, is that right?

Mr. PENDERGAST. The first Tuesday in August.

Mr. HALLEY. Within a month after that charges of fraud had been made? Would that be about correct?

Mr. PENDERGAST. I believe so; yes, sir.

Mr. HALLEY. In September. Then some State indictments grew out of a State grand jury investigation, is that right?

Mr. PENDERGAST. Yes, sir.

Mr. HALLEY. Then a Federal grand jury began to investigate and there were some Federal indictments?

Mr. PENDERGAST. That is true.

Mr. HALLEY. While they were all pending, in 1947 a lot of ballots were stolen, is that right?

Mr. PENDERGAST. Yes.

Mr. HALLEY. Those ballots were in a room that had a sort of steel door with a combination on it in the county building, is that correct?

Mr. PENDERGAST. I don't know where they were kept. They were in the election commissioner's office in the courthouse.

Mr. HALLEY. They were in the custody of Sheriff Purdome, were they not?

Mr. PENDERGAST. I really don't know, sir.

Mr. HALLEY. Do you know anything that would throw any light on the theft of those ballots?

Mr. PENDERGAST. I do not; no, sir.

Mr. HALLEY. Would you say that the destruction of the ballots was evidence that somebody had a sense of guilt?

Mr. PENDERGAST. Would I say that?

Mr. HALLEY. Yes.

Mr. PENDERGAST. I would think so; yes, sir.

Senator WILEY. That there was something rotten, not in Denmark, but in this city. That is what you mean?

Mr. PENDERGAST. Yes, sir.

Mr. HALLEY. Have you ever analyzed the charges of fraud, and can you state whether if all the election fraudulent ballots were thrown out, it would have changed the results at the primary?

Mr. PENDERGAST. I do not believe it would have; no, sir.

Mr. HALLEY. That is your opinion.

Mr. PENDERGAST. Yes, sir.

Mr. HALLEY. I have no further examination.

The CHAIRMAN. Who would stand to gain anything, Mr. Pendergast, by theft of the ballots? Was there only one election involved or were there several elections involved?

Mr. PENDERGAST. Just the one, I believe, Senator.

The CHAIRMAN. It has been stated here, Mr. Pendergast, I believe by Mr. McKittrick, that during the time of one of these, after the ballot theft several people were being tried either in Federal court or

in State court—I don't think he said which it was—that the lawyers needed 25 or 30 thousand dollars, and that Mr. Binaggio indicated to Mr. McKittrick that he was going to have to put up all the money, which distressed him somewhat because he thought he had had some agreement with you to put up \$10,000 and that you weren't going to put it up. Is there anything to that?

Mr. PENDERGAST. Absolutely not; no, sir.

The CHAIRMAN. Did you have any agreement or any conversation with Mr. Binaggio at all relative to the people involved in these ballot thefts or putting up any money about the matter?

Mr. PENDERGAST. No, sir.

The CHAIRMAN. Did you take any part in contributing to the defendants of any of them or any part in the trial at all?

Mr. PENDERGAST. Yes, sir. I remember that the lawyer was going to retire from the cases if he didn't get \$10,000 more, and I sent him \$2,000 at that time.

The CHAIRMAN. Who was the lawyer and what was the situation?

Mr. PENDERGAST. Arnold McLaughlin.

The CHAIRMAN. Why did you send him \$2,000?

Mr. PENDERGAST. One of my men was involved, and I thought that was enough. The rest of them weren't mine.

The CHAIRMAN. Which ones were those?

Mr. PENDERGAST. Harry Burke.

The CHAIRMAN. Was he convicted?

Mr. PENDERGAST. Yes, sir.

The CHAIRMAN. So you felt that was enough to pay for his defense?

Mr. PENDERGAST. Yes, sir.

The CHAIRMAN. How many were involved altogether; how many were indicted?

Mr. PENDERGAST. That would be a guess, Senator. I would say 30.

The CHAIRMAN. He was one of the workers in your organization? Is that what you mean?

Mr. PENDERGAST. He had been for a good many years. He was quite an elderly man.

The CHAIRMAN. Who were the rest of them? Whose organization were they in?

Mr. PENDERGAST. Binaggio's.

The CHAIRMAN. I think that is all.

Senator WILEY. He was convicted of what crime?

Mr. PENDERGAST. Conspiracy.

Senator WILEY. Conspiracy in what?

Mr. PENDERGAST. To deprive certain people of their civil rights.

Senator WILEY. It involved the question of interfering with the due process of voting, did it not?

Mr. PENDERGAST. Yes, sir.

Senator WILEY. He and others were virtually, in the language of the street, convicted of really stealing the election?

Mr. PENDERGAST. I never did think he was; no, sir.

Senator WILEY. He was charged and convicted of what specific offense, you say? Was he stuffing ballot boxes or voting folks from the grave or England or Ireland or other places, as testified to here today?

Mr. PENDERGAST. No, sir.

Senator WILEY. He wasn't convicted of that. What was he convicted for?

Mr. PENDERGAST. The only part, as I remember, he was a precinct worker who had a certain book to handle, and he would bring back along about 5:30 in the evening the cards that were filled out for each person and notify the precinct captain that John Smith is out of town, which we have been doing for hundreds of years. That was part of his regular duties. I never thought he should have been convicted at all. After he was sentenced the judge parolled him. He never served any time.

Senator WILEY. He didn't serve any time?

Mr. PENDERGAST. No, sir.

Senator WILEY. Is it true that during the election, as Mr. McKittrick testified, that Binaggio voted fellows from the grave, fellows from England, and fellows from France, indicating that they just stuffed the ballot? Has that been the general practice here over the years?

Mr. PENDERGAST. No, sir.

Senator WILEY. You know nothing about it?

Mr. PENDERGAST. No, sir.

Senator WILEY. Did the Mafia as an organization participate in your Democratic organization here?

Mr. PENDERGAST. No, sir.

Senator WILEY. Do you know anything about the Mafia?

Mr. PENDERGAST. No, sir.

Senator WILEY. Did you know Binaggio?

Mr. PENDERGAST. Yes, sir.

Senator WILEY. Did you know him personally?

Mr. PENDERGAST. Yes, sir.

Senator WILEY. Before his death was he quite a political figure?

Mr. PENDERGAST. I say he was for that one election. First the newspapers and then the magazines had built him up to be quite a fellow. What outsiders don't seem to see, Senator, in this election that we are talking about where they supported Smith it was not only Binaggio's small group, but the Shannon faction here, the Sermon faction, the American Federation of Labor, the CIO, and every old-age pensioner, practically, who has been getting a pension check from Forrest Smith and the State auditor for 20 years. They also supported Forrest Smith. It was a combination of groups that nominated Smith. It wasn't Binaggio.

Senator WILEY. What I am getting at, apparently before his death he and your organization and the Shannon organization were the three big political factors on the Democratic side.

Mr. PENDERGAST. No. I believe the Sermon organization out in the eastern part of the county is just as big as either of those.

Senator WILEY. Did anyone profit from the death of Binaggio?

Mr. PENDERGAST. I certainly don't know, sir.

Senator WILEY. Have you any idea why he was bumped off?

Mr. PENDERGAST. No, sir.

Senator WILEY. We are all impressed with this good city of yours every time we visit it. It is a vital and dynamic center, and does have terrific problems in relation to crime. As you realize, we are here to try to see if there is anything we can do to make a contribution on the national scale in cleaning this thing up. Have you any suggestion that you want to make to this committee to take back to Wash-

ington, to take back to your President that you mentioned, so that he too can cooperate to the end that we can clean up the mess?

Mr. PENDERGAST. No, sir; I do not.

Senator WILEY. You have no suggestions whatever?

Mr. PENDERGAST. No, sir.

Senator WILEY. What did you do personally as the head of a great organization here after the ballots were stolen that time? What did you do?

Mr. PENDERGAST. I didn't do anything.

Senator WILEY. You just sat down and didn't think there was any call to you, as the head of a great organization, to see whether you could find the answer to this terrific crime against society?

Mr. PENDERGAST. I was well pleased that there were none of my people mixed into it.

Senator WILEY. That is all you thought?

Mr. PENDERGAST. Yes, sir.

Senator WILEY. Did you tell any of your people to get busy to try to solve this problem?

Mr. PENDERGAST. I don't know what you mean by my people, Senator.

Senator WILEY. You just mentioned that "None of my people were mixed in it." You said, "I was pleased to find out." Would not it be better to say you were pleased that none of them were caught?

Mr. PENDERGAST. No, sir; I did not mean that at all. We went through this 10 years ago, and I have instructed my workers every 2 years ever since that they were not to do anything like that. So I was well pleased when it came out that they had obeyed my instructions.

Senator WILEY. Doesn't it strike you as peculiarly queer that nobody in this great cosmopolitan center has any notion as to whom it would advantage to have this stuffed ballot box, because now we have testimony here that you have voters from the grave and from France and England? Doesn't it seem queer that no one from this great commonwealth or this great city could tell us whom it would advantage to have these ballots stolen and destroyed? Doesn't it seem queer also that no one has seemed to feel that there was a civic urge on him to get the answer?

Mr. PENDERGAST. I think part of that was due to the fact, Senator, that at that time our position was that the big fraud in that primary was never prosecuted. That was the election when Roger Slaughter was defeated. Our records and our investigations show that between 6,000 and 8,000 Republicans came over into the Democratic Party to vote for Mr. Slaughter. If that primary had been left to the Democrats, I doubt if this ever would have happened, but they say that was not against the law, that you can make an affidavit and get a Democratic ballot, at the same time keeping your fingers crossed, and in the November election you don't have to follow the affidavit that you made in August.

Senator WILEY. That is the fraud you complain of.

Mr. PENDERGAST. That is the fraud I complained of, and that was the general opinion over Kansas City.

Senator WILEY. I don't know anything about your own laws down here but generally speaking in the primary you can vote for one side

or the other, Democrat or Republican. At the election you can split your ballot and go all over the fence if you want to.

MR. PENDERGAST. We have a law here that you have to come in and ask for one ballot or the other.

SENATOR WILEY. That is all you can have any place.

MR. PENDERGAST. If a well-known Republican came in our primary, we have a system to challenge their vote. They then make an affidavit that they intend to support the Democratic ticket at the November election. We used up all the blanks that the election commissioner sent out to us, and that is the reason we don't have a true figure, but we estimate between 6,000 and 8,000 people did that.

THE CHAIRMAN. Was that in 1946?

MR. PENDERGAST. Yes, sir.

SENATOR WILEY. Of course, that is the first time I ever heard that from anyone on your side of the fence, it seems to me that for some 18 or 20 years you have been taking the Republicans over, those that do not know any better. Now they are accused of being terrible creatures that they should in Kansas City try to vote on the Democratic ticket.

MR. PENDERGAST. We just don't want our primaries contaminated by Republicans voting here. [Laughter.]

THE CHAIRMAN. Unless they are going to stay with us a long, long time.

SENATOR WILEY. That is a very appropriate word that the city doesn't want to be contaminated, but we are interested in knowing what happened to those ballots, who went ahead and engineered the deal, and why in a great State like this, Missouri, we can't find the answer.

I think that is all, Mr. Chairman.

THE CHAIRMAN. Mr. Pendergast, Mr. Chambers, who testified here, who was formerly a police commissioner, was appointed by Governor Donnelly, was he?

MR. PENDERGAST. Yes.

THE CHAIRMAN. Was he appointed on your recommendation?

MR. PENDERGAST. Yes.

THE CHAIRMAN. Did you have any part in the controversy about whether any commissioners were going to be changed or whether any officials in the police department were going to be shifted around after Governor Smith was elected?

MR. PENDERGAST. No, sir. Did I ever talk to him?

THE CHAIRMAN. No; I say did you have any part in that matter?

MR. PENDERGAST. No, sir.

THE CHAIRMAN. You did not talk to Governor Smith about it?

MR. PENDERGAST. No, sir.

THE CHAIRMAN. So, after the election Mr. Binaggio and his group were the ones who did the talking with the Governor, and you were on the outs, so far as connections with the Governor were concerned?

MR. PENDERGAST. That is true.

THE CHAIRMAN. Is that right?

MR. PENDERGAST. If you back the wrong horse at the primary, you don't have much to say after that.

THE CHAIRMAN. I take it you back your own horse at the primary, and you support the nominee at the general election.

Mr. PENDERGAST. Yes; but, so far as patronage goes, you are not so very well treated.

The CHAIRMAN. You spoke in the 1948 primary about the combination of groups that joined Binaggio in supporting Smith, and you were on the other side with your groups supporting Mr. Nee?

Mr. PENDERGAST. Nee.

The CHAIRMAN. What was the relative vote in Kansas City, approximately, or in this county, do you remember, between the candidates?

Mr. PENDERGAST. I believe Smith got 35,000 and Nee 29,000.

The CHAIRMAN. Any further questions?

Mr. HALLEY. Nothing.

The CHAIRMAN. Senator Wiley?

Senator WILEY. No.

The CHAIRMAN. Thank you, Mr. Pendergast. You are not an officeholder of any kind?

Mr. PENDERGAST. No, I am not.

The CHAIRMAN. Have you ever held an office?

Mr. PENDERGAST. No, sir.

Senator WILEY. Look out for these contaminating Republicans.

Mr. PENDERGAST. Day and night, Senator.

The CHAIRMAN. The committee will have a 5-minute recess, and we will resume in 5 minutes.

(Short recess.)

The CHAIRMAN. Who is next?

Mr. HALLEY. Anthony Gizzo.

The CHAIRMAN. Come around, Mr. Gizzo.

You do solemnly swear the testimony you give this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. Gizzo. I do.

The CHAIRMAN. All right, gentlemen, let us proceed.

TESTIMONY OF ANTHONY GIZZO, KANSAS CITY, MO.

Mr. HALLEY. What is your address, Mr. Gizzo?

Mr. Gizzo. 1003 West Sixty-seventh Street.

Mr. HALLEY. And what business are you in?

Mr. Gizzo. At the present time I am not employed.

Mr. HALLEY. You have no business whatsoever?

Mr. Gizzo. No, sir.

Mr. HALLEY. Were you ever convicted of a crime?

Mr. Gizzo. Yes, sir.

Mr. HALLEY. And that was in a narcotics violation in 1942?

Mr. Gizzo. That is right.

Mr. HALLEY. Were you ever convicted of any other crime?

Mr. Gizzo. No, sir.

Mr. HALLEY. You have been arrested on certain occasions since 1942?

Mr. Gizzo. Well, I don't believe so.

Mr. HALLEY. Were you arrested in 1939, in Kansas City?

Mr. Gizzo. In 1939? No, sir.

Mr. HALLEY. Were you arrested in 1940 in Lee Summit, Mo.?

Mr. Gizzo. For what?

Mr. HALLEY. For anything at all. You tell me if you were arrested.

Mr. GIZZO. Might have been speeding.

Mr. HALLEY. Were you arrested?

Mr. GIZZO. I don't remember.

Mr. HALLEY. Were you arrested in Kansas City in 1946?

Mr. GIZZO. No, sir.

Mr. HALLEY. Were you ever arrested with Charles Fischetti?

Mr. GIZZO. No.

Mr. HALLEY. Or picked up by the police when you were in the company of Charles Fischetti?

Mr. GIZZO. They arrested Charles Fischetti.

Mr. HALLEY. You were with him when they arrested him.

Mr. GIZZO. In the hotel room.

Mr. HALLEY. Where was that?

Mr. GIZZO. The President Hotel.

Mr. HALLEY. In Kansas City?

Mr. GIZZO. Yes.

Mr. HALLEY. In what year?

Mr. GIZZO. I couldn't remember.

Mr. HALLEY. 1944?

Mr. GIZZO. Might have been.

Mr. HALLEY. You were in the bookmaking business as your last business; is that right?

Mr. GIZZO. Yes, sir.

Mr. HALLEY. And you operated at the Coates House?

Mr. GIZZO. Yes.

Mr. HALLEY. Until Charlie Binaggio was killed, did you have a betting business at the Coates House?

Mr. GIZZO. Yes, sir.

Mr. HALLEY. Who was in that business? Who were the partners?

Mr. GIZZO. All of the partners?

Mr. HALLEY. Yes.

Mr. GIZZO. Well, there was Sammie Butler, Joe Danzo, myself, and Mel Levitt, Charlie Binaggio, five of us.

Mr. HALLEY. How much of the business did you have?

Mr. GIZZO. I had 25 percent.

Mr. HALLEY. How much of the business did Charlie Binaggio have?

Mr. GIZZO. I suppose he had 25 percent, too.

Mr. HALLEY. The Coates House was located at 1009 Broadway?

Mr. GIZZO. 1009 Broadway; yes, sir.

Mr. HALLEY. The particular business was betting on sporting events other than horses; is that right?

Mr. GIZZO. Well, it was not betting, it was booking.

Mr. HALLEY. Booking?

Mr. GIZZO. Yes.

Mr. HALLEY. Football games?

Mr. GIZZO. Yes.

Mr. HALLEY. Baseball games?

Mr. GIZZO. Baseball.

Mr. HALLEY. Prize fights?

Mr. GIZZO. That is right.

Mr. HALLEY. Basketball?

Mr. GIZZO. That is right.

Mr. HALLEY. Did you do any bookmaking there at all on horses?

Mr. GIZZO. No, sir. Well, I think we did. I don't know for sure.

Mr. HALLEY. There might have been some on horses?

Mr. GIZZO. Yes, we might have.

Mr. HALLEY. And after Charlie Binaggio was killed, did you continue in the bookmaking business?

Mr. GIZZO. Yes, sir.

Mr. HALLEY. Under what name?

Mr. GIZZO. Under the Gizzo News Co.

Mr. HALLEY. How long did you continue the Gizzo News Co.?

Mr. GIZZO. Oh, I would say it was the first part of the year.

Mr. HALLEY. Well, Binaggio was killed in April.

Mr. GIZZO. I think we shut down for 2 or 3 months.

Mr. HALLEY. And then you reopened Gizzo News Co.

Mr. GIZZO. That is right.

Mr. HALLEY. In the same place.

Mr. GIZZO. That is right, sir.

Mr. HALLEY. Who were your partners there?

Mr. GIZZO. A fellow named Bob Holmes; and we had a fellow named Gershon worked for us. He had a little part of it.

Mr. HALLEY. The Coates House operation was a profitable one, was it not?

Mr. GIZZO. Yes, sir; I think it was.

Mr. HALLEY. You made as much as \$100,000 a year profits in that?

Mr. GIZZO. Yes, sir.

Mr. HALLEY. Had you not?

Mr. GIZZO. Yes.

Senator WILEY. Altogether.

Mr. HALLEY. Altogether.

Senator WILEY. All of the partners, or individually?

Mr. GIZZO. All of the partners. \$100,000 all of the partners.

Mr. HALLEY. You and Charlie Binaggio would take 25 percent of that?

Mr. GIZZO. Yes, sir.

The CHAIRMAN. That is net?

Mr. HALLEY. That is net profit?

Mr. GIZZO. Net profit, that is right.

Mr. HALLEY. As a matter of fact, your income in 1949 was about \$59,000 or \$60,000, wasn't it?

Mr. GIZZO. 1949?

Mr. HALLEY. Yes.

Mr. GIZZO. I think it was about \$55,000.

Mr. HALLEY. \$54,000 or \$55,000.

Mr. GIZZO. Yes.

Senator WILEY. Your individual profit.

Mr. HALLEY. His personal income.

Mr. GIZZO. Personal income.

Mr. HALLEY. This was from what sources, do you recall?

Mr. GIZZO. That was from football and basketball.

Mr. HALLEY. And that is from the Coates House, the Gizzo News Co., and what you called "sundry winnings," is that right?

Mr. GIZZO. Yes, sir.

Mr. HALLEY. You also had a beer business, is that right?

Mr. GIZZO. I was connected with a beer business.

Mr. HALLEY. How long have you been in the bookmaking business?

Mr. GIZZO. Oh, I would say, I don't know, off and on the last 25 years.

Mr. HALLEY. In that connection, have you placed bets and taken bets with bookmakers all over the country?

Mr. GIZZO. Well, I bet quite a deal.

Mr. HALLEY. Did you deal with Harry Russell, for instance, in Chicago?

Mr. GIZZO. No, I never——

Mr. HALLEY. Charlie Joye?

Mr. GIZZO. I will tell you about Harry Russell. I dealt with him in 1936 or 1937.

The CHAIRMAN. He started to tell about that.

Mr. HALLEY. In Chicago?

Mr. GIZZO. Yes.

Mr. HALLEY. What was that, lay-off betting?

Mr. GIZZO. Lay-off betting.

Mr. HALLEY. And have you dealt with Frank Erickson?

Mr. GIZZO. I think I have several times.

Mr. HALLEY. Lay-off betting?

Mr. GIZZO. Yes.

Mr. HALLEY. And with Mickey Cohen?

Mr. GIZZO. No, sir.

Mr. HALLEY. You know Mickey Cohen?

Mr. GIZZO. No, sir.

Mr. HALLEY. Do you know that your name appears in his personal phone book?

Mr. GIZZO. Well, I don't know the gentleman, if you would call him a gentleman.

Mr. HALLEY. Have you met Mickey Cohen?

Mr. GIZZO. I never have met him.

Mr. HALLEY. Name some of the other people with whom you have done lay-off betting throughout the country?

Mr. GIZZO. How long a time? How long a period?

Mr. HALLEY. The last 10 years.

Mr. GIZZO. Well, so far as I can remember, I have done business with Omaha and Chicago and Minneapolis, Reno, Nev., practically done business with practically everybody, I guess, anybody we can get.

Mr. HALLEY. At one period in your career you owned a batch of race horses; is that right?

Mr. GIZZO. That is right.

Mr. HALLEY. You had a stable.

Mr. GIZZO. Yes.

Mr. HALLEY. When did you acquire them, in 1935?

Mr. GIZZO. I think it was in 1935.

Mr. HALLEY. How long did you have the racing stable?

Mr. GIZZO. I think I sold them out in 1939.

Mr. HALLEY. Where did you race your horses?

Mr. GIZZO. All over the country.

Mr. HALLEY. Have you been in any other businesses, gambling businesses, besides bookmaking?

Mr. GIZZO. Well——

Mr. HALLEY. Any dice games?

Mr. GIZZO. Yes; I had a dice game over at the Green Hills in 1941.

Mr. HALLEY. Who were your partners there?

Mr. GIZZO. It was me and a fellow named Weedo. We had a night club.

Mr. HALLEY. You also had a dice game there?

Mr. GIZZO. We didn't last long.

Mr. HALLEY. Have you had any other gambling establishments?

Mr. GIZZO. No, sir.

Mr. HALLEY. You have also been in the beer business; is that right?

Mr. GIZZO. That is right.

Mr. HALLEY. When did you first go into the beer business?

Mr. GIZZO. I think it was 1940, if I am not mistaken.

Mr. HALLEY. Before you were in the beer business, were you in the soda business?

Mr. GIZZO. Well, I had some stock in a soda business.

Mr. HALLEY. What soda business was that?

Mr. GIZZO. That was the Glendale Sales Co.

Mr. HALLEY. Who were the other people in the Glendale Sales?

Mr. GIZZO. There was a whole bunch of them.

Mr. HALLEY. That was started by Carullo, was it not?

Mr. GIZZO. No; I think it was started by Lazia, I think.

Mr. HALLEY. John Lazia?

Mr. GIZZO. Yes.

Mr. HALLEY. And he was pretty well known as king in the gambling world here back in the 1920's and 1930's, wasn't he?

Mr. GIZZO. Lazia?

Mr. HALLEY. Yes; Lazia.

Mr. GIZZO. Yes, sir; I think so.

Mr. HALLEY. He was also reputed to be a big man in the Mafia.

Mr. GIZZO. Mafia?

Mr. HALLEY. Yes.

Mr. GIZZO. I wish to hell I know what the Mafia is.

Mr. HALLEY. I am asking if he was reputed to be a big man in the Mafia.

Mr. GIZZO. I could not answer that question.

Mr. HALLEY. Was James Balestere in this Glendale Soda Pop Co.?

Mr. GIZZO. I think he was.

Mr. HALLEY. And Lacoco?

Mr. GIZZO. I think he was.

Mr. HALLEY. And you were in it, of course.

Mr. GIZZO. Yes, sir.

Mr. HALLEY. And Carolla was in it?

Mr. GIZZO. Yes, sir.

Mr. HALLEY. Charlie Binaggio?

Mr. GIZZO. I don't think so.

Senator WILEY. In what?

Mr. HALLEY. This is a soda pop company.

Senator WILEY. Not the Mafia?

Mr. HALLEY. Formed in 1932.

And William Duke was in it?

Mr. GIZZO. Duke, he was the president of the company.

Mr. HALLEY. Didn't that soda pop company begin to handle beer shortly afterward?

Mr. GIZZO. Well, I think they combined.

Mr. HALLEY. Combined with what?

Mr. GIZZO. With the soda and the beer.

Mr. HALLEY. And they got the Schlitz agency, did they not, for Kansas City?

Mr. GIZZO. They had it all of the time; Schlitz.

Mr. HALLEY. And your job with that company was to sell beer?

Mr. GIZZO. Not at the time that they had Schlitz. I never started selling beer until 1940.

Mr. HALLEY. And when you were selling beer, what kind of beer were you selling?

Mr. GIZZO. We had five or six different kinds.

Mr. HALLEY. Did you have Canadian Ace?

Mr. GIZZO. We had Schlitz, we had Canadian Ace, we had Manhattan, I don't know, five or six different brands of beer.

Mr. HALLEY. Manhattan was known as the Capone beer in Chicago, wasn't it?

Mr. GIZZO. Capone beer?

Mr. HALLEY. Yes.

Mr. GIZZO. All I know is it was Mr. Greenberg's beer.

Mr. HALLEY. Which Greenberg is that?

Mr. GIZZO. Louis Greenberg.

Mr. HALLEY. Louis Greenberg?

Mr. GIZZO. Yes.

Mr. HALLEY. That was the Canadian Ace beer, wasn't it?

Mr. GIZZO. Yes, sir.

Mr. HALLEY. Did he have anything to do with the Manhattan beer, too?

Mr. GIZZO. Well, I think the Manhattan beer was made right there at the brewery.

Mr. HALLEY. They sold both?

Mr. GIZZO. I think they had three or four different kinds of beers that they made in the same brewery.

Mr. HALLEY. How did you happen to get a beer contract from Greenberg?

Mr. GIZZO. How did I happen to get a beer contract from Greenberg?

Mr. HALLEY. Yes.

Mr. GIZZO. I was working on a salary.

Mr. HALLEY. You were just working on a salary?

Mr. GIZZO. That is right.

Mr. HALLEY. For whom?

Mr. GIZZO. Mr. Feigenbusch.

Mr. HALLEY. Let us take this chronologically.

Mr. GIZZO. All right.

Mr. HALLEY. You got into the Schlitz business with the Glendale Soda Pop Co., is that right, when beer was allowed to be sold.

Mr. GIZZO. That was with the Glendale Soda.

Mr. HALLEY. You were a stockholder in that, is that correct?

Mr. GIZZO. That is right, sir.

Mr. HALLEY. And then Charlie Carollo went to jail for income tax violations, is that right, in 1939?

Mr. GIZZO. 1939; yes, sir.

Mr. HALLEY. And it was necessary to sell out his stock.

Mr. GIZZO. No; I think the way it was run, I think Duke was running the beer place with the soda, they combined it together. Then Duke sold out the beer. He didn't want to have anything to do with

the beer. He sold out the beer, and I think Mr. Feigenbusch bought this beer place.

Mr. HALLEY. Who brought Mr. Feigenbusch into the picture? Wasn't it Greenberg?

Mr. GIZZO. I think it was.

Mr. HALLEY. He sent him down from Chicago?

Mr. GIZZO. I think it was; yes sir.

Mr. HALLEY. You went up to Chicago and discussed the matter with Greenberg, is that right?

Mr. GIZZO. The reason I discussed the matter with Greenberg, how I happened to get into the picture was they had Schlitz, and they wanted Schlitz beer, and that is when I went up to discuss it with Mr. Greenberg.

Mr. HALLEY. And did you ask him for the Canadian Ace? You had the Canadian Ace at that time, didn't you?

Mr. GIZZO. That is when the Canadian Ace came up.

Mr. HALLEY. That is when you got it?

Mr. GIZZO. No; the way the Canadian Ace came up, they had some of these bottles down at the brewery, and they needed to put some keg—we had Schlitz keg beer, which had a lot of stops around here, so when Schlitz took their agency away from us, we didn't have any keg beer at all to substitute so I asked Mr. Greenberg if he could put that Canadian Ace beer in barrels, and he said he would. That is how the Canadian Ace beer was put in barrels, and these stops we had around here, I went around. I was working for them and told them it would be a favor to me if they would take Canadian Ace and some did and some didn't.

Mr. HALLEY. You asked them to take the Canadian Ace purely on a personal basis?

Mr. GIZZO. Yes.

Mr. HALLEY. It was known as a pretty poor beer?

Mr. GIZZO. It was a pretty fine beer.

Mr. HALLEY. Do you drink it yourself?

Mr. GIZZO. I drink it.

Mr. HALLEY. You didn't handle it before you lost the Schlitz agency?

Mr. GIZZO. We didn't handle it. They handled it in bottles.

Mr. HALLEY. Did you handle it before you lost the Schlitz agency?

Mr. GIZZO. Yes; we had it in bottles, not in kegs.

Mr. HALLEY. But you wanted the keg so you could go around and ask your friends if they would take it.

Mr. GIZZO. That is right.

Mr. HALLEY. Did you have much success in persuading the friends?

Mr. GIZZO. One thing I want to tell you. I never pushed anybody around here. Kansas City is open to anybody to go around. I treated everybody all right, didn't force the beer on them.

Mr. HALLEY. I hadn't asked you if you forced the beer on them. What makes you raise the question?

Mr. GIZZO. The question is that I read these newspapers around here, that around here muscling people all of the time.

Mr. HALLEY. Wasn't Canadian Ace known as a beer that you had to sell by muscle?

Mr. GIZZO. No, sir; it never was.

Mr. HALLEY. How did you persuade your particular friends to take Canadian Ace beer?

Mr. GIZZO. It was a good beer and cheaper by the barrel.

Mr. HALLEY. You were known to have some pretty rough friends, though, weren't you?

Mr. GIZZO. What do you mean, rough friends?

Mr. HALLEY. You knew Charlie Gargotta, for instance.

Mr. GIZZO. Yes.

Mr. HALLEY. And Lacoco.

Mr. GIZZO. Yes.

Mr. HALLEY. And they were known to be pretty tough fellows, weren't they?

Mr. GIZZO. I don't think that they ever run around here telling people they had to use the beer.

Mr. HALLEY. They were known as your friends and close associates, weren't they?

Mr. GIZZO. They were my friends, yes, sir; but like I say, I don't think that they ever abused anybody around here for trying to use the beer.

Mr. HALLEY. You didn't have to abuse anybody.

Mr. GIZZO. No, sir, they didn't have to abuse, but that is the name we got around here.

Mr. HALLEY. Well, wasn't the name you got around here as the result of these 30 murders we have been hearing about?

Mr. GIZZO. I don't know anything about murders.

Mr. HALLEY. You didn't have to abuse anybody.

Mr. GIZZO. Well, I know one thing is that you get an off-brand beer, and everybody says that you have to force people to buy this beer. That is what I am trying to get at. I have never forced anybody in my life around here to buy beer.

Mr. HALLEY. Your point is that you just had to ask them, is that right?

Mr. GIZZO. That is right.

Mr. HALLEY. The reason you just had to ask them is the reason that it was pretty well known that you were somebody very dangerous not to agree with.

Mr. GIZZO. Very dangerous?

Mr. HALLEY. Yes.

Mr. GIZZO. Well, I wouldn't say that.

Mr. HALLEY. Were you here during the testimony of Mr. Follmer?

Mr. GIZZO. Sure I was.

Mr. HALLEY. And did you hear him testify as to a list of people who were killed, and whose murders have not been solved?

Mr. GIZZO. Yes, I heard him testify.

Mr. HALLEY. Did you hear about, for instance, the murder of Ferris Anthon?

Mr. GIZZO. Yes, I heard him. I heard him testify.

Mr. HALLEY. Did you hear that Gargotta was your close friend; wasn't he?

Mr. GIZZO. I have known him all of my life practically.

Mr. HALLEY. And you heard that Gargotta had this gun that apparently shot Ferris Anthon?

Mr. GIZZO. That is right.

Mr. HALLEY. But he could only be convicted of an attempted assault on the sheriff who was trying to stop the murder?

Mr. GIZZO. That is right.

Mr. HALLEY. And of course you know about the murder of Charles Binaggio.

Mr. GIZZO. Yes.

Mr. HALLEY. And you know that Gargotta was murdered, of course.

Mr. GIZZO. Yes.

Mr. HALLEY. And by whom.

Mr. GIZZO. Yes.

Mr. HALLEY. Mary Bonomo.

Mr. GIZZO. I don't know that.

Mr. HALLEY. How about Wolf Riman?

Mr. GIZZO. I knew him.

Mr. HALLEY. He was in a dispute about a liquor contract, wasn't he?

Mr. GIZZO. I don't know anything about that; all I know about the man is that I sold him some liquor and some beer. He was a good customer of mine.

Mr. HALLEY. He was trying to get a franchise for Schenley's whisky, wasn't he?

Mr. GIZZO. That is what I have heard; yes, sir.

Mr. HALLEY. And there was some other people down in town who also wanted that franchise, isn't that right?

Mr. GIZZO. Well, I couldn't tell you that. I know that he was trying to get a Schenley contract, but I don't know anything about the other people.

Mr. HALLEY. He was shot shortly after he succeeded in getting the Schenley contract, isn't that correct?

Mr. GIZZO. Well, I don't know.

Mr. HALLEY. Do you know anything about Jack Gregory's murder?

Mr. GIZZO. No, sir, I don't know a thing.

Mr. HALLEY. Or about Carl Carramusa?

Mr. GIZZO. No, sir, not at all.

Mr. HALLEY. You heard the testimony about Carramusa being murdered?

Mr. GIZZO. That is right.

Senator WILEY. Did you know the parties that were killed?

Mr. GIZZO. The parties?

Senator WILEY. That were killed.

Mr. GIZZO. I didn't know Gregory. I didn't know Carramusa. I might have seen him once or twice in my life.

Mr. HALLEY. Do you know anything about the murder of Fred Renegar?

Mr. GIZZO. No, sir.

Mr. HALLEY. Did you ever gamble out at that Last Chance State Line place?

Mr. GIZZO. No, sir; I don't shoot dice.

Mr. HALLEY. Do you know where the State Line is?

Mr. GIZZO. I know where it is.

Mr. HALLEY. Do you know a couple of your friends were out there, too, weren't they?

Mr. GIZZO. Who is that?

Mr. HALLEY. Well, wasn't Klein out there, Snag Klein?

Mr. GIZZO. Snag Klein?

Mr. HALLEY. Yes.

Mr. GIZZO. I guess he was.

Mr. HALLEY. And wasn't Spitz out there?

Mr. GIZZO. Spitz?

Mr. HALLEY. Yes.

Mr. GIZZO. May have.

Mr. HALLEY. In fact, Charlie Binaggio had a piece of the State Line, didn't he?

Mr. GIZZO. I couldn't swear to that. I don't know.

Mr. HALLEY. Did you ever see him there?

Mr. GIZZO. I seen him there once or twice, but I could not swear that he had a piece of it. I don't know who had a piece of the place.

Mr. HALLEY. Lacoco had a piece of the State Line.

Mr. GIZZO. I couldn't swear to that.

Mr. HALLEY. Did you ever see him there?

Mr. GIZZO. Yes.

Mr. HALLEY. Gargotta had a piece of the State Line.

Mr. GIZZO. I don't know, Mr. Halley. I presume they did, just like anybody else, but I don't know.

Mr. HALLEY. Did you ever hear about the bombings at the State Line when Renegar had the crap game there, and your friends were trying to muscle in?

Mr. GIZZO. My friends?

Mr. HALLEY. Wasn't Binaggio your friend?

Mr. GIZZO. Well, I don't know that like you say, about hearing about the bombing.

Mr. HALLEY. We are not asking you about the muscling in. I am saying was he your friend?

Mr. GIZZO. Yes, he was my friend.

Mr. HALLEY. And Gargotta was your friend, wasn't he?

Mr. GIZZO. Yes.

Mr. HALLEY. Before they got into the State Line deal there were some bombings out there, weren't there?

Mr. GIZZO. Well, I don't know. I was working then. I attended my own business.

Mr. HALLEY. You never heard of it?

Mr. GIZZO. Yes, I heard of it, read it in the paper.

Mr. HALLEY. And you also heard that Fred Renegar was murdered?

Mr. GIZZO. That is right, I read that in the paper, too.

Mr. HALLEY. And then some months later the State Line opened up again, is that right?

Mr. GIZZO. I don't know, Mr. Halley. I was working then for a living.

Mr. HALLEY. Did you ever go out to the State Line to——

Mr. GIZZO. I have been in the State Line twice in my life.

Mr. HALLEY. When was that?

Mr. GIZZO. I think it was, oh, I don't remember, but some time last year and just here recently before they closed.

Mr. HALLEY. And that was when Klein and Spitz and that group was there?

Mr. GIZZO. That is right. We went around to see one night, we stopped in to get a bowl of chili at the restaurant.

Mr. HALLEY. You never went to the State Line when Renegar had it, did you?

Mr. GIZZO. No, sir.

Mr. HALLEY. We have this long list of murders by violence. Don't you think that all these things that you could read about in the papers, these bombings that you say you yourself read about, would influence people when you dropped by to sell them a little beer?

Mr. GIZZO. Influence people?

Mr. HALLEY. Yes.

Mr. GIZZO. I don't know whether it would or not. I don't think so.

Mr. HALLEY. Who did you have with you on this Canadian Ace agency? Who were your associates?

Mr. GIZZO. Mr. Feigenbusch owned the Canadian Ace agency and I was just working there.

Mr. HALLEY. You just worked there?

Mr. GIZZO. Yes, sir.

Mr. HALLEY. Then you had a Duke Sales Co., didn't you?

Mr. GIZZO. Yes. That was when Mr. Feigenbusch couldn't get a license or something happened. He couldn't get a license. They said he was an out-of-town resident. He sold out and he sold out to Mr. Duke.

Mr. HALLEY. Who had an interest in Duke?

Mr. GIZZO. I think Mr. Binaggio had an interest in it.

Mr. HALLEY. You had an interest, didn't you?

Mr. GIZZO. I had an interest with Duke.

Mr. HALLEY. You are not ashamed of that, are you?

Mr. GIZZO. I had an interest with Duke.

Mr. HALLEY. You and Charlie Binaggio and Nick Penna, had an interest, didn't you?

Mr. GIZZO. I don't think so. I think he was working there.

Mr. HALLEY. He was just working there? He was Binaggio's chauffeur, is that right?

Mr. GIZZO. That is right.

Mr. HALLEY. He drove Binaggio around.

Mr. GIZZO. That is correct.

Mr. HALLEY. And a man named Ducov had an interest, didn't he?

Mr. GIZZO. He was the owner.

Mr. HALLEY. He was the owner. That is Duke?

Mr. GIZZO. Duke, yes, sir.

Mr. HALLEY. How long did you continue selling Canadian Ace for the Duke Sales Co.?

Mr. GIZZO. Oh, I think it was '49.

Mr. HALLEY. You were operating right up into 1949, is that right?

Mr. GIZZO. That is right.

Mr. HALLEY. In fact, you show some income from Duke Sales in 1949, isn't that so?

Mr. GIZZO. I think so, that is right.

Mr. HALLEY. Carrollo, who had started you in the beer business, went to jail on this income-tax violation, is that right?

Mr. GIZZO. Carrollo?

Mr. HALLEY. Charlie Carrollo.

Mr. GIZZO. I think he went to jail on that whisky business.

Mr. HALLEY. He went to jail again in 1949 for whisky, but didn't he go to jail in 1939 for an income-tax violation?

Mr. GIZZO. Yes, I think he did.

Mr. HALLEY. That was when you had to bring Feigenbusch in, isn't it?

Mr. GIZZO. That is when Feigenbusch bought the place.

Mr. HALLEY. That is right, because you needed somebody to take Carrola's place. That whole arrangement you discussed with Greenberg in Chicago, isn't that right?

Mr. GIZZO. No, I didn't discuss it with him. We wanted to sell out. We were stockholders in this.

Mr. HALLEY. You testified, didn't you, that you went to Chicago to discuss it with Greenberg?

Mr. GIZZO. Yes, to sell out. There were quite a few stockholders in this place, quite a few of them.

Mr. HALLEY. You went up and had a talk with Greenberg.

Mr. GIZZO. I told Greenberg that everybody wanted to sell out there, the stockholders, and if he wanted to keep his beer in Kansas City, he had better get somebody to buy the place. That is what I told him.

Mr. HALLEY. How long have you known Greenberg?

Mr. GIZZO. I don't know, I guess 15 or 16 years.

Mr. HALLEY. By the way, what happened to the Glendale Soda Pop Co. with all these stockholders?

Mr. GIZZO. I sold mine—I had \$6,500 worth of shares in it, and I sold it and made a pretty good profit on it. I don't know what happened to the place.

Mr. HALLEY. What happened to Mr. Balestrere's stock?

Mr. GIZZO. I really couldn't tell you.

Mr. HALLEY. Who brought him into it, do you know?

Mr. GIZZO. Who brought Mr. Balestrere into it?

Mr. HALLEY. Yes.

Mr. GIZZO. I don't know. I guess they had a club on the north side there when they started this Glendale Co. I guess they asked everybody if they wanted to take a little stock or something.

Mr. HALLEY. What was the name of that club on the north side?

Mr. GIZZO. The North Side Democratic Club.

Mr. HALLEY. Are you a member?

Mr. GIZZO. Yes, sir.

Mr. HALLEY. Balestrere was a rather important figure in that North Side Democratic Club, was he not?

Mr. GIZZO. I don't know. What do you mean by important?

Mr. HALLEY. He was the dominant member, was he not?

Mr. GIZZO. They were all dominant members.

Mr. HALLEY. He ran it, didn't he?

Mr. GIZZO. No. Lazia ran the club.

Mr. HALLEY. He ran it but then he was killed in 1937, isn't that right?

Mr. GIZZO. That is when we had the club.

Mr. HALLEY. Then Balestrere took over the leadership, didn't he?

Mr. GIZZO. No. Two years later everything was closed up in 1939.

Mr. HALLEY. 1939. That was because by that time Binaggio had opened up the Fifteenth Street Club, isn't that right?

Mr. GIZZO. I don't think so.

Mr. HALLEY. You tell me what happened.

Mr. GIZZO. I think in 1939 we closed the club up down there. I don't think Binaggio opened that Fifteenth Street Club until 1940, something like 1944 or '45 or '43. Something like that.

Mr. HALLEY. I think Balestrere—we will check with him later—said that after Binaggio became active in the Fifteenth Street Club he lost interest in politics.

Mr. GIZZO. He did.

Mr. HALLEY. Is that about right?

Mr. GIZZO. I guess it must be if he said so.

Mr. HALLEY. Who belongs to this club, what was the name of it?

Mr. GIZZO. North Side Democratic Club.

Mr. HALLEY. Was Joe DiGiovanni a member?

Mr. GIZZO. I tell you I couldn't tell you but there were seven or eight hundred members.

Mr. HALLEY. Did you ever see Joseph DiGiovanni down there?

Mr. GIZZO. Yes, sir.

Mr. HALLEY. Did you see Pete DiGiovanni down there?

Mr. GIZZO. I have practically seen everybody down there.

Mr. HALLEY. By everybody—I am reading down of course the list of the alleged list of the members of the Mafia. Is that what you mean by everybody?

Mr. GIZZO. I have seen everybody from the north end down there.

Mr. HALLEY. I will work my way down this list and you tell me if you saw them there.

Mr. GIZZO. All right.

Mr. HALLEY. Did you see Charles DiGiovanni there?

Mr. GIZZO. Charles who?

Mr. HALLEY. DiGiovanni.

Mr. GIZZO. No; I don't believe I seen him.

Mr. HALLEY. Frank DeLuca?

Mr. GIZZO. No; I don't believe I seen him.

Mr. HALLEY. You never saw him at the North Side Democratic Club?

Mr. GIZZO. No, sir.

Mr. HALLEY. Joe DeLuca?

Mr. GIZZO. No, sir.

Mr. HALLEY. You never saw him there?

Mr. GIZZO. No, sir.

Mr. HALLEY. Did you ever see Tony Lacoco there?

Mr. GIZZO. Tano Lacoco, yes, sir.

Mr. HALLEY. Joe Filardo?

Mr. GIZZO. Yes, sir.

Mr. HALLEY. Joe Cusumano?

Mr. GIZZO. Yes, sir.

Mr. HALLEY. Nick Impostato?

Mr. GIZZO. I seen him once or twice around there.

Mr. HALLEY. Is he a pretty good friend of yours?

Mr. GIZZO. I wouldn't call him a good friend of mine. I know him.

Mr. HALLEY. You know him pretty well, don't you?

Mr. GIZZO. Fair.

Mr. HALLEY. How long have you known him?

Mr. GIZZO. About 10 years.

Mr. HALLEY. Why do they call him the enforcer?

Mr. GIZZO. The enforcer?

Mr. HALLEY. Yes.

Mr. GIZZO. Well, I don't know.

Mr. HALLEY. You know him as a pretty tough, strong-arm man?

Mr. GIZZO. No. I can't even understand him. When he talks English I can't understand him; when he talks Italian I can't understand him. You will have him here pretty soon.

Mr. HALLEY. Is he a tough man?

Mr. GIZZO. No, sir; I wouldn't say he was a tough man.

Mr. HALLEY. Are you afraid of him?

Mr. GIZZO. No, sir.

Mr. HALLEY. How about John Blando?

Mr. GIZZO. He is in the whisky business.

Mr. HALLEY. Did you ever see him down there at the North Side Club?

Mr. GIZZO. Yes, sir.

Mr. HALLEY. By the way, most of these fellows are in the whisky business today, aren't they, that we have been talking about?

Mr. GIZZO. Quite a few of them are in the whisky business.

Mr. HALLEY. Chiapetti, was he down at the North Side Club?

Mr. GIZZO. Yes, sir.

Mr. HALLEY. Larocco?

Mr. GIZZO. Yes, sir.

Mr. HALLEY. And Anacona?

Mr. GIZZO. Yes, sir.

Mr. HALLEY. And Farrantelli?

Mr. GIZZO. Farrantelli. No; I haven't seen him.

Mr. HALLEY. How about Joe Lascoula.

Mr. GIZZO. Yes, sir; I have seen him.

Mr. HALLEY. Congeloso?

Mr. GIZZO. Congeloso?

Mr. HALLEY. Yes. Louis Congeloso.

Mr. GIZZO. Yes, I have seen him down there; yes.

Mr. HALLEY. And Tony Bonino?

Mr. GIZZO. Bonino? No, sir. I haven't seen him.

Mr. HALLEY. How about Paul Cantanzaro?

Mr. GIZZO. I don't believe I know him.

Mr. HALLEY. You never met Paul Cantanzaro?

Mr. GIZZO. What is the name?

Mr. HALLEY. Cantanzaro.

Mr. GIZZO. What does he do?

Mr. HALLEY. He is the man that Mr. Follmer was talking about, who was supposed to have been attacked by a mob after a young boy was killed. I think he works now for the DiGiovannis in their Midwest Liquor Store.

Mr. GIZZO. I don't know him.

Mr. HALLEY. You don't know him?

Mr. GIZZO. Positively.

Mr. HALLEY. You never saw him?

Mr. GIZZO. No, sir.

Mr. HALLEY. You heard of the murder of that young boy. That made quite a sensation here, did it not?

Mr. GIZZO. I heard a few stories about it.

Mr. HALLEY. How long have you lived in Kansas City?

Mr. GIZZO. Thirty-nine years.

Mr. HALLEY. Would you speak up?

Mr. GIZZO. Thirty-nine years.

Mr. HALLEY. Where did you live before that?

Mr. GIZZO. New York City.

Mr. HALLEY. How long did you live in New York City?

Mr. GIZZO. Nine years.

Mr. HALLEY. Were you born in this country?

Mr. GIZZO. Yes, sir.

Mr. HALLEY. Where were you born?

Mr. GIZZO. New York City.

Mr. HALLEY. Are you 46?

Mr. GIZZO. Forty-eight.

Mr. HALLEY. You came here directly from New York?

Mr. GIZZO. Yes, sir.

Mr. HALLEY. Did you ever live anywhere else?

Mr. GIZZO. No, sir.

Mr. HALLEY. You came here, then, as a boy; is that right?

Mr. GIZZO. That is right.

Mr. HALLEY. You have a very great many friends in Chicago, have you not? Good friends?

Mr. GIZZO. Yes, I know a lot of people in Chicago.

Mr. HALLEY. I think you have said that Charles Fischetti and Tony Accardo and Jake Gusik are your very good friends, is that right?

Mr. GIZZO. They are very good friends. I know Tony Accardo.

Mr. HALLEY. I think you testified here last time that you know him very well.

Mr. GIZZO. I know Tony Accardo and a few of them very well. I go to their home. I eat. I know their daughters.

Mr. HALLEY. You know Charlie Fischetti very well?

Mr. GIZZO. Very well, yes, sir.

Mr. HALLEY. Do you know Jake Gusik very well?

Mr. GIZZO. I don't know him as well as I know Charlie.

Mr. HALLEY. You know the others better?

Mr. GIZZO. Yes.

Mr. HALLEY. Charlie Fischetti has been here to Kansas City to see you?

Mr. GIZZO. Charlie was here when they arrested him here.

Mr. HALLEY. Was he here just a year or so ago too?

Mr. GIZZO. No, sir.

Mr. HALLEY. Was he here in 1948?

Mr. GIZZO. No, sir. I never seen him if he was.

Mr. HALLEY. Did you see him in Miami last year?

Mr. GIZZO. Yes, sir.

Mr. HALLEY. You went to Miami last winter, didn't you?

Mr. GIZZO. This year, it was.

Mr. HALLEY. This past winter.

Mr. GIZZO. This year. It wasn't last year.

Mr. HALLEY. Where did you stay in Miami?

Mr. GIZZO. At the Robert Richter Hotel.

Mr. HALLEY. How did you happen to stay there?

Mr. GIZZO. There was a friend of mine made reservations there.

Mr. HALLEY. Who was that friend?

Mr. GIZZO. A fellow named Donald Lieber, from Columbus, Ga.

Mr. HALLEY. Do you know Abe Allenberg who managed the Robert Richter?

Mr. GIZZO. No, sir.

Mr. HALLEY. You say your friend made the reservations?

Mr. GIZZO. Yes.

Mr. HALLEY. What business is your friend in?

Mr. GIZZO. I think he has the distributorship for the Seagrams V. O.

Mr. HALLEY. In Columbus, Ga.?

Mr. GIZZO. That is right.

Mr. HALLEY. Do you know Murray Humphreys?

Mr. GIZZO. Yes, sir.

Mr. HALLEY. How long have you known Murray Humphreys?

Mr. GIZZO. Off and on I guess I have known him for the last 10 years.

Mr. HALLEY. How long have you known Harry Russell?

Mr. GIZZO. Harry Russell I have known him I guess I have been doing business with him since 1936, I think it is, or 1935.

Mr. HALLEY. Do you know Ralph Pierce?

Mr. GIZZO. Yes, he was in the same office up there.

Mr. HALLEY. With Russell, is that right?

Mr. GIZZO. That is right, sir.

Mr. HALLEY. You did business with Pierce as well as with Russell?

Mr. GIZZO. There were quite a few there in that office whenever we would call up.

Mr. HALLEY. When you say you did business you mean you did lay-off betting?

Mr. GIZZO. Betting, that is right.

Mr. HALLEY. Did you give them your business? Did you lay off with them or did they lay off with you?

Mr. GIZZO. No, I gave them my business. I laid off with them.

Mr. HALLEY. Do you know any of the Capones?

Mr. GIZZO. Capones? No, I met one of them there here a few years back.

Mr. HALLEY. Which one do you know?

Mr. GIZZO. They call him Martin.

Mr. HALLEY. Martin?

Mr. GIZZO. I don't know which one it is, no.

Mr. HALLEY. Did you know Al Capone?

Mr. GIZZO. No, sir.

Mr. HALLEY. You know Jake Dragna pretty well, don't you?

Mr. GIZZO. Not so much. I met him at the Santa Anita race track.

Mr. HALLEY. When did you meet him there?

Mr. GIZZO. I think in 1936 to '37.

Mr. HALLEY. Did you travel a good deal around the country?

Mr. GIZZO. Yes, I used to travel pretty good.

Mr. HALLEY. In what connection?

Mr. GIZZO. With the horses.

Mr. HALLEY. Do you still travel?

Mr. GIZZO. No, sir.

Mr. HALLEY. When were you last in California?

Mr. GIZZO. I haven't been in California I think—I think I was in Phoenix in 1948. I think I stayed there a week and then went to Las Vegas.

Mr. HALLEY. With whom did you go to Phoenix?

Mr. GIZZO. My wife.

Mr. HALLEY. Was Klein with you?

Mr. GIZZO. No, sir

Mr. HALLEY. Spitz?

Mr. GIZZO. No, just my wife.

Mr. HALLEY. Just you and your wife?

Mr. GIZZO. Yes.

Mr. HALLEY. Did you see anybody in Phoenix?

Mr. GIZZO. No, sir.

Mr. HALLEY. What were you doing there?

Mr. GIZZO. We just took a vacation.

Mr. HALLEY. Did you see Carollo there?

Mr. GIZZO. Carollo? No, sir.

Mr. HALLEY. Do you know Momo Adamo on the west coast?

Mr. GIZZO. He used to live here. I know him.

Mr. HALLEY. How long have you known Adamo?

Mr. GIZZO. I met him here—I don't know, I guess about 15 years ago.

Mr. HALLEY. He is an associate of Jack Dragna's now, isn't he?

Mr. GIZZO. I don't know, sir.

Mr. HALLEY. He is out there with Dragna.

Mr. GIZZO. He is? I don't know. I haven't seen him.

Mr. HALLEY. Don't you know that?

Mr. GIZZO. No, sir; I don't know that.

Mr. HALLEY. Do you know John Rosselli out on the west coast?

Mr. GIZZO. Yes, sir; I met him.

Mr. HALLEY. When did you meet Rosselli?

Mr. GIZZO. I met him—I don't know. I guess it was in the thirties, '35, '36, '37.

Mr. HALLEY. Did you ever do any betting with Rosselli?

Mr. GIZZO. No, sir. I used to give him tips.

Mr. HALLEY. Did you know that Rosselli was the man who muscled in on the wire service on the west coast?

Mr. GIZZO. I have heard that, but I didn't know it.

Mr. HALLEY. Of course you have heard that Harry Russell was the man who muscled in on the wire service in Miami?

Mr. GIZZO. I have heard that, too. I have heard that.

Mr. HALLEY. Do you know Willie Moore?

Mr. GIZZO. Willie Moore? I don't think I do.

Mr. HALLEY. He is sometimes known as Willie Moretti in New Jersey.

Mr. GIZZO. I don't think so. I might have met him. Like I say, when you travel around with horses around the country, and go to those race tracks, everybody is looking for a tip. You meet this fellow and that fellow, I have met a lot of people.

Mr. HALLEY. Do you know Joe Massei?

Mr. GIZZO. I think I have met him, yes; in Florida. I met him in Florida one time.

Mr. HALLEY. Did you ever meet him in Detroit?

Mr. GIZZO. No, sir.

Mr. HALLEY. Do you know Charles Gioe?

Mr. GIZZO. No, sir.

Mr. HALLEY. Do you know Paul Ricca?

Mr. GIZZO. Yes, sir.

Mr. HALLEY. He is known as Paul DeLucia, too; is that right?

Mr. GIZZO. Yes, sir.

Mr. HALLEY. Do you know Charlie Joye?

Mr. GIZZO. Yes, sir.

Mr. HALLEY. How long have you known Charlie Joye?

Mr. GIZZO. He was another fellow in that office in Chicago.

Mr. HALLEY. He was up there with Russell and Pierce?

Mr. GIZZO. That is right.

Mr. HALLEY. And Tony Accardo was up there too?

Mr. GIZZO. That is right, sir.

Mr. HALLEY. Of course, you know the Fischettis very well?

Mr. GIZZO. That is right.

Mr. HALLEY. Do you know John Vitale?

Mr. GIZZO. Yes, sir. I have met him.

Mr. HALLEY. Do you know Frank Costello?

Mr. GIZZO. Yes, sir.

Mr. HALLEY. How did you get to know all these people in Chicago?

Mr. GIZZO. In Chicago? I told you I had a bunch of race horses and I used to race them around there. I met practically everybody around there.

Mr. HALLEY. You have told us that you got to know them long before you had the race horses.

Mr. GIZZO. In 1935.

Mr. HALLEY. No, that is not the same story you told last time.

Mr. GIZZO. You mean all——

Mr. HALLEY. Don't ask me what story you told last time.

Mr. GIZZO. You mean all these people you are talking about?

Mr. HALLEY. No, I am talking about the Fischettis.

Mr. GIZZO. I have known Fischetti a long time, yes. I have known him about 20 years, I guess.

Mr. HALLEY. It could even be longer?

Mr. GIZZO. It might be, yes.

Mr. HALLEY. How did you get to know the Fischettis?

Mr. GIZZO. I know his brother, Joey, real well.

Mr. HALLEY. How did you get to meet Joey Fischetti?

Mr. GIZZO. We go to Chicago there, and go to a cabaret, and get together.

Mr. HALLEY. What business of yours took you to Chicago 20 years ago?

Mr. GIZZO. I don't know, I used to like to go to Chicago to have some fun.

Mr. HALLEY. It is a big city. How did you happen to meet Joey Fischetti?

Mr. GIZZO. I went up one time to see the Dempsey-Tunney fight.

Mr. HALLEY. There were about 80,000 people there. More than that, 120,000. How did you happen to meet Joey Fischetti and get to be friendly with him?

Mr. GIZZO. At the Chez Paree.

Mr. HALLEY. At the Chez Paree?

Mr. GIZZO. Yes.

Mr. HALLEY. Introduced by whom to Joey Fischetti at the Chez Paree?

Mr. GIZZO. I don't know who introduced me, but we got friendly there. That is about all. I just met him there. I don't remember who it was. I used to go up there to eat all the time.

Mr. HALLEY. How long ago?

Mr. GIZZO. About 18 or 20 years ago, I guess.

Mr. HALLEY. You just met him?

Mr. GIZZO. I met him. I know the fellow who owns the Chez Paree.

Mr. HALLEY. Did any of your friends here in Kansas City suggest that you ought to go to Chicago and meet the Fischettis?

Mr. GIZZO. No, sir; nobody in Kansas City suggested that.

Mr. HALLEY. When you left Kansas City to go to Chicago, did you have in mind that you wanted to meet the Fischettis?

Mr. GIZZO. No.

Mr. HALLEY. Have you ever had any business with any of the Fischettis?

Mr. GIZZO. No, sir.

Mr. HALLEY. With Charlie Fischetti?

Mr. GIZZO. No, sir; no business whatsoever.

Mr. HALLEY. How did your friendship develop?

Mr. GIZZO. I met Joey, and then he introduced me to Rocky and he introduced me to Charlie.

Mr. HALLEY. What do you do with them? What is the basis of your relationship with the Fischettis?

Mr. GIZZO. It is nothing. I just go up there. They are just good friends of mine. I just go up there.

Mr. HALLEY. You find you have a lot in common?

Mr. GIZZO. Well, not a lot in common, but they know I bet on the football teams and horses and things and I get good tips. That is about the extent of the whole thing.

Mr. HALLEY. How did you meet Frank Costello?

Mr. GIZZO. I met him there at New Orleans.

Mr. HALLEY. Were you with Phil Kastel?

Mr. GIZZO. No. I wasn't with Phil. I went out to his club.

Mr. HALLEY. How did you know Phil Kastel?

Mr. GIZZO. I met him out to his club.

Mr. HALLEY. Who introduced you? I have been to all these cities. I have never bumped into Fischetti or Kastel. How do these things happen?

Mr. GIZZO. If you go up to a fellow who owns the place and you want to gamble, you tell him "I want to cash a check," or something.

Mr. HALLEY. You mean you had no other introduction to Phil Kastel than that you wanted to cash a check at the club?

Mr. GIZZO. I told him where I was from, Kansas City. I told him my credit was good.

Mr. HALLEY. He took you right in to meet Costello?

Mr. GIZZO. No. I met Costello on a New Year's Eve there.

Mr. HALLEY. You talked to Costello several times while you were in New Orleans, is that correct?

Mr. GIZZO. I think it was '48.

Mr. HALLEY. Have you seen Costello since?

Mr. GIZZO. No, sir.

Mr. HALLEY. I think you said a few minutes ago that you never hear of the Mafia.

Mr. GIZZO. That is right.

Mr. HALLEY. But you testified about 2 months ago that you had heard that Balestrere was a prominent member of the Mafia.

Mr. GIZZO. I testified?

Mr. HALLEY. Would you like me to read it to you?

Mr. GIZZO. Yes, sir.

Mr. HALLEY. Get me the record, 647.

Question. What business is Balestrere?

Answer by Mr. GIZZO. As far as I know he has a liquor store down at Eighteenth and Forrest.

Question. Does he have any other business?

Answer. That is all I know of.

Question. He is rather widely known as a prominent man in the Mafia, isn't he?

Answer. That is what you hear.

Question. What do you hear?

Answer. The same thing that you have just said there.

Do you remember giving those answers to those questions?

Mr. GIZZO. I might have, but I don't remember that. What you hear is what you read in the newspapers.

Mr. HALLEY. You at least heard that Balestrere is a prominent man in the Mafia, is that right?

Mr. GIZZO. That I couldn't tell you, Mr. Halley.

Mr. HALLEY. You have heard of the Black Hand, haven't you?

Mr. GIZZO. Yes, I have heard of the Black Hand.

Mr. HALLEY. What have you heard of the Black Hand?

Mr. GIZZO. I testified there when I was a boy I heard about somebody wanting to put some money, send a letter through the mail about sending some money.

Mr. HALLEY. What happened?

Mr. GIZZO. They caught the fellow, and they shot him.

Mr. HALLEY. As a matter of fact, there was quite a lot of Black Hand activity in Kansas City when you were a boy, wasn't there?

Mr. GIZZO. I think there was, yes. I don't recall, but I remember something about that. That is all I know about it.

Mr. HALLEY. Let's see. You know Joe Di Giovanni, don't you?

Mr. GIZZO. Yes, sir.

Mr. HALLEY. Do you know that he was arrested for writing Black Hand letters?

Mr. GIZZO. I never did.

Mr. HALLEY. You didn't know that?

Mr. GIZZO. No, sir.

Mr. HALLEY. Did you know Dominic Carrola?

Mr. GIZZO. Dominic Carrola?

Mr. HALLEY. Carrola.

Mr. GIZZO. No; I don't know him.

Mr. HALLEY. You didn't know him. You said you didn't know Paul Cantanzaro?

Mr. GIZZO. No, sir; I don't know him.

Mr. HALLEY. He was that man we were talking about that the mob went after in connection with the shooting of that little boy, the Carramusa boy.

Mr. GIZZO. I don't really know him. I don't know him at all.

Mr. HALLEY. Did you know Pietro Agnella?

Mr. GIZZO. No; I don't.

Mr. HALLEY. Did you know a policeman named Louis Olivero?

Mr. GIZZO. Yes; I know of him.

Mr. HALLEY. He was killed, wasn't he?

Mr. GIZZO. I think he was.

Mr. HALLEY. He was prominent in arresting a lot of these Black Hand letter writers, wasn't he?

Mr. GIZZO. I couldn't tell you.

Mr. HALLEY. What do you think?

Mr. GIZZO. My opinion would be worth nothing.

Mr. HALLEY. You know that he was killed, Olivero?

Mr. GIZZO. Yes, sir.

Mr. HALLEY. You have at least heard of the Mafia in connection with this Black Hand thing; is that right?

Mr. GIZZO. I didn't get the question.

Mr. HALLEY. You have at least heard of the Mafia in connection with that?

Mr. GIZZO. When you read about it, sure. You read about it in the papers just like everybody else does.

Mr. HALLEY. You said last time that you had heard something about Mafia 30 years ago or so in connection with Black Hand activities.

Mr. GIZZO. I have heard it; yes.

Mr. HALLEY. At least you have heard the word.

Mr. GIZZO. That is right.

Mr. HALLEY. You always associated it with Black Hand activity; is that right?

Mr. GIZZO. I have associated——

Mr. HALLEY. I mean, in your mind you have always, when you have heard the word "Mafia" you have thought of "Black Hand"?

Mr. GIZZO. All I have thought it was was trying to extort money from people, writing letters.

Mr. HALLEY. So in your mind the Mafia has meant people who write letters to extort money from people; is that right?

Mr. GIZZO. That is right.

Mr. HALLEY. That was many years ago; is that right?

Mr. GIZZO. That is right.

Mr. HALLEY. Did you ever associate bombings with the Mafia?

Mr. GIZZO. No, sir.

Mr. HALLEY. You have heard that there have been a lot of bombings around this city?

Mr. GIZZO. Yes, sir.

Mr. HALLEY. I think you said a little while ago you heard about the bombings; is that right, at the Last Chance?

Mr. GIZZO. I read about it in the papers; that is right.

Mr. HALLEY. Every once in a while somebody gets bombed; is that right?

Mr. GIZZO. Yes, sir.

Mr. HALLEY. In fact, Milgram liquor stores were bombed in connection with a liquor-price war, weren't they?

Mr. GIZZO. I read that in the paper, too.

Mr. HALLEY. That is right. Milgram got into line right after that, didn't he?

Mr. GIZZO. I don't know, sir.

Mr. HALLEY. Did you ever associate that with the Black Hand? You were telling us about this Glendale Soda Co., the Glendale Sales Co., that you went into in 1932. Balestrere was in that. Tano Lacoco was in it. Have you ever heard of him as a man in the Mafia?

Mr. GIZZO. Tano Lacoco? No, sir.

Mr. HALLEY. Have you ever heard him mentioned?

Mr. GIZZO. No, sir.

Mr. HALLEY. Have you ever heard him mentioned at all?

Mr. GIZZO. No, sir.

Mr. HALLEY. Charlie Binaggio?

Mr. GIZZO. Never have, never.

Mr. HALLEY. I think you said Binaggio was not in that Glendale Soda Co.

Mr. GIZZO. I don't believe he was; no, sir.

Mr. HALLEY. You are pretty sure?

Mr. GIZZO. I am pretty sure.

Senator WILEY. Is there such an organization operating here known as the Mafia?

Mr. GIZZO. Well, Senator, I couldn't tell you. It would be just like a guess, just like what you read in the paper.

Senator WILEY. You have no judgment on the subject whatsoever?

Mr. GIZZO. No, sir; I have no judgment at all.

Senator WILEY. You think the shotgun killings are the result of the Mafia activity?

Mr. GIZZO. Well, I don't know, sir. It might be and it might not be. You can't tell. I couldn't tell you what the Mafia is.

Senator WILEY. You are not a member of it?

Mr. GIZZO. No, sir; positively not.

Senator WILEY. You want to state definitely you know no one else who is a member of it?

Mr. GIZZO. Absolutely. I want to go on record saying that I don't know anybody in the Mafia, whatever the Mafia is.

Senator WILEY. You would be perfectly willing to take one of these lie-detector tests on that?

Mr. GIZZO. Positively. I would take anything.

Senator WILEY. I did not mean to interrupt. Go ahead.

Mr. HALLEY. Where were you the night Charlie Binaggio was killed? That was April 6, 1950.

Mr. GIZZO. That is quite a while back, Mr. Halley. I don't remember. If I remember right I think I was in Pusateri's Restaurant eating dinner.

Mr. HALLEY. Where were you the next morning quite early?

Mr. GIZZO. Early?

Mr. HALLEY. Yes.

Mr. GIZZO. I was at home.

Mr. HALLEY. Where did you go the first thing the next morning?

Mr. GIZZO. The next morning I think Mrs. Binaggio called me up. I think it was about 6 o'clock.

Mr. HALLEY. Yes?

Mr. GIZZO. She told me, "Did you hear what happened to Charlie?" I said, "No." I was half asleep. She said, "My God, come over to the house." She started crying over the phone. I said, "What is the matter?" She said, "They killed Charlie." I got up, put on my clothes, and went over to the house. They live about four blocks away from me. They told me they killed Charlie Binaggio and Charlie Gargotta down at the club.

Senator WILEY. They killed?

Mr. GIZZO. Yes.

Senator WILEY. Who was "they"?

Mr. GIZZO. I don't know. She said they, "Somebody killed him down there." So I said, "Well, let me go see and try to find out something."

So I left there. I went down to the cigar store.

Mr. HALLEY. What cigar store?

Mr. GIZZO. Coates House.

Mr. HALLEY. About what time did you go to the Coates House?

Mr. GIZZO. About 6:30.

Mr. HALLEY. In the morning?

Mr. GIZZO. Yes, sir.

Mr. HALLEY. What did you do there?

Mr. GIZZO. I called some of these fellows who hung around out at the club out there.

Senator WILEY. What time of the night was it when that happened?

Mr. GIZZO. I don't know, sir.

Mr. HALLEY. It was supposed to have happened around 7:50 or 8, is that right?

Mr. WHITE. Yes, 8 o'clock.

Senator WILEY. In the evening.

Mr. HALLEY. The evening.

Senator WILEY. You did not hear until 6 o'clock the next morning?

Mr. GIZZO. Yes, sir.

Mr. HALLEY. And I think there is some evidence that residents of the hotel over the Democratic Club heard shots at 8:15, Mr. Chairman, that night.

Were you at that club that night at all, the 15th Street Club?

Mr. GIZZO. No.

Mr. HALLEY. The body was discovered at 4 in the morning, is that right?

Mr. GIZZO. Yes. I don't know, sir. All I know is when Mrs. Binaggio called me was the first time I knew about it.

Mr. HALLEY. And when did she call you?

Mr. GIZZO. She called me at 6 o'clock the next morning.

Mr. HALLEY. And you were at home?

Mr. GIZZO. That is right.

Mr. HALLEY. And you went right down to your cigar store?

Mr. GIZZO. I called some of these fellows that hung around at the club out there.

Mr. HALLEY. That cigar store is where you handled your betting business, of course?

Mr. GIZZO. Yes.

Mr. HALLEY. Who did you call?

Mr. GIZZO. I called a lot of fellows that hung around out there.

Mr. HALLEY. Who?

Mr. GIZZO. Well, offhand I don't know. Johnny Mag. I think it was Tommy Simone, Joe Gee, Nick Penna, and there were six or eight or nine fellows. I forget the rest of them.

Mr. HALLEY. Did you see any of them?

Mr. GIZZO. Did I see any of these fellows? I saw them all.

Mr. HALLEY. They came right over?

Mr. GIZZO. They came over to the cigar store and tried to get a clue and tried to find out what happened.

Mr. HALLEY. You questioned them all?

Mr. GIZZO. Yes.

Mr. HALLEY. You were trying to find out what happened?

Mr. GIZZO. That is right, sir.

Mr. HALLEY. Penna is one of the people you questioned?

Mr. GIZZO. Penna, yes, sir.

Mr. HALLEY. And Cupa?

Mr. GIZZO. Cupa, that is right, he was there.

Mr. HALLEY. And Johnny Mag?

Mr. GIZZO. That is right.

Mr. HALLEY. Why did you go right down to your cigar store? Why didn't you stay home to call these people?

Mr. GIZZO. To my house?

Mr. HALLEY. Yes.

Mr. GIZZO. Well, I wanted to, they all lived in the north end.

Mr. HALLEY. They were your friends, weren't they?

Mr. GIZZO. These fellows?

Mr. HALLEY. Yes.

Mr. GIZZO. Well, yes, some of them are.

Mr. HALLEY. Where did you find them?

Mr. GIZZO. Found them at home.

Mr. HALLEY. Did you know that Penna had been waiting at the Last Chance until after 4 a. m.?

Mr. GIZZO. That is right. That is what he told me.

Mr. HALLEY. And Binaggio had left the Last Chance around 7:30, is that right?

Mr. GIZZO. That is right.

Mr. HALLEY. He said he would be back in just a little while.

Mr. GIZZO. That is right, sir.

Mr. HALLEY. And did Penna explain?

Mr. GIZZO. He explained.

Mr. HALLEY. Why he was waiting at the Last Chance?

Mr. GIZZO. I asked him whose car he went in, and I asked Penna why didn't he take him, and I even asked Penna why Charlie didn't come back, say, in 2 hours; why didn't he get hold of somebody around there and see what happened to him. So, he didn't give it a thought, he says.

Senator WILEY. Was Charlie a real intimate friend of yours?

Mr. GIZZO. Yes, sir.

Senator WILEY. What did you personally then do to help the widow to solve this problem? What did you do?

Mr. GIZZO. Well, done everything.

Senator WILEY. What?

Mr. GIZZO. Well, we tried to find out where it come from, what caused it.

Senator WILEY. You tried. Tell us what you did—not that you just tried. What did you do?

Mr. GIZZO. Well, we asked them what calls come in that evening, who he was going to meet, if she had any idea who he was going to meet. She said she didn't have any idea at all. Then she told me that he had some money in his pocket, about 10 or 12 thousand dollars, and I says, "Do you know who he was going to take it to?" She says "No." So, we was just stumped; that is all.

Senator WILEY. Then you stopped?

Mr. Gizzo. No; we didn't stop.

Senator WILEY. What else did you do to try to find out who killed your very dear friend?

Mr. Gizzo. We are trying still to find out what is behind it.

Senator WILEY. Do you know—did I understand—that they claim he was killed between 7 and 8 o'clock, and they didn't discover the body until 4 o'clock in the morning?

Mr. Gizzo. That is what they said; yes, sir.

Senator WILEY. Is that the kind of attendance you have out at these Democratic Clubs?

Mr. Gizzo. Well, they don't; usually nobody goes out to that Democratic Club in the evening.

Senator WILEY. How can you justify his going?

Mr. Gizzo. Well—that is, we can if we can get that—that is the thing right there.

Senator WILEY. Was the money on his person?

Mr. Gizzo. That is what they say; that is what his wife told me.

Senator WILEY. Then, robbery was not the purpose.

Mr. Gizzo. Well, he didn't have the money in his pocket.

Senator WILEY. What?

Mr. Gizzo. When they found the body, he didn't have the money in his pocket.

Senator WILEY. You mean the money was gone?

Mr. Gizzo. It was gone; yes, sir.

Senator WILEY. Well, what has this fine group of friends of the deceased done to try to find out who committed the murder?

Mr. Gizzo. Well, everybody is doing everything.

Senator WILEY. Have you offered a reward?

Mr. Gizzo. Well, I don't think they did.

Senator WILEY. Do you think it was the result of the Mafia?

Mr. Gizzo. Well, I wouldn't say; I can't say. I couldn't get on the limb and say anything unless I found out for sure.

Senator WILEY. Did he have any personal enemies that you know of?

Mr. Gizzo. Well, I don't know. He was in politics; he might have had.

The CHAIRMAN. Anything else, Mr. Halley?

Mr. HALLEY. Was Gargotta a pretty good friend of yours?

Mr. Gizzo. That is right, sir.

Mr. HALLEY. Do you bank at the Merchants Bank in Kansas City?

Mr. Gizzo. I used to; yes, sir.

Mr. HALLEY. Did you in 1947?

Mr. Gizzo. Yes, sir.

Mr. HALLEY. Did you deposit a check for \$30,000 in the Merchants Bank in Kansas City?

Mr. Gizzo. Yes, sir.

Mr. HALLEY. Where did you get that \$30,000 check?

Mr. Gizzo. Well, I will tell you that story.

Mr. HALLEY. Please do.

Mr. Gizzo. Mr. Gargotta and his brother got arrested, and I think they extradited him to Iowa some place.

Mr. HALLEY. Des Moines.

Mr. Gizzo. Des Moines was it.

Mr. HALLEY. They were arrested for robbery; is that right?

Mr. Gizzo. They were picked up here; and this was, I think, on a Saturday. I think it was the day before Easter. They needed \$30,000 cash bond. The banks were all closed, and I think Mr. Lacoco went around. I think I gave him \$5,000 myself in cash. I think he got the other \$25,000 from other people around Kansas City, and I think he took it up there.

Mr. HALLEY. Do you habitually keep a lot of cash?

Mr. Gizzo. Well, I always keep two or three thousand in my pocket.

Mr. HALLEY. What kind of bills?

Mr. Gizzo. Hundred-dollar bills.

Mr. HALLEY. Small bills?

Mr. Gizzo. Sometimes twenties and hundreds.

Mr. HALLEY. Has that been a practice of yours for quite a while?

Mr. Gizzo. That is right.

Mr. HALLEY. Go ahead with the story.

Mr. Gizzo. So, they wanted to get him out. I think it was on Easter Sunday. So, they raised this money. I gave him \$5,000, and they got \$30,000, and this case was dismissed up there. I went up with Charlie, and they gave him a check from the court up there.

Senator WILEY. They what?

Mr. Gizzo. They gave him a check from the court; the bond, he put it up in cash. They gave him a check in return. So, they told him to go across the street. There was a bank across the street. This happened to be a small town. He took this check over to the bank. They didn't have enough money to cash this check; so, we made this fellow put up the bond for him, that put up the bond for him, sign his name, endorse it. It was made out to him. We brought that back. So, when we got back the next day I went down to the bank, and I told Mr. Liebert down there I had \$5,000 coming, and I had an account down there, and I don't think Charlie did. I said, "Would you mind cashing this check?" I told him all about it. I told him it was a check that was put up for bond, and these other fellows wanted the money. So, he took me on the side and told me that I should let him have it, and he would send it through and, when it cleared, that he would give us the money.

Senator WILEY. He accepted the check for collection only?

Mr. Gizzo. That is right. So, I said to Mr. Liebert, the president there, "Give it to Charlie when he comes down."

Mr. HALLEY. Did he give Charlie—that is, Charlie Gargotta?

Mr. Gizzo. Yes.

Mr. HALLEY. He got the whole \$30,000?

Mr. Gizzo. He got the \$30,000.

Mr. HALLEY. How did you get your \$5,000?

Mr. Gizzo. Mr. Lacoco brought me my \$5,000.

Mr. HALLEY. Did you know that the same night that bail was put up there was a robbery in Council Bluffs, Iowa?

Mr. Gizzo. That same night?

Mr. HALLEY. Yes.

Mr. Gizzo. No; I didn't.

Mr. HALLEY. Did you ever hear of the Stork Club at Council Bluffs, Iowa?

Mr. Gizzo. Yes, sir.

Mr. HALLEY. And you know eventually your friend Mr. Gargotta and some of your other friends took control of the Stork Club; isn't that right?

Mr. GIZZO. I heard about that.

Senator WILEY. Took what?

Mr. HALLEY. Took control of the Stork Club at Council Bluffs, Iowa.

And didn't you know that the owners of that Stork Club were robbed of \$78,000 in cash the very night that that cash bail was put up?

Mr. GIZZO. No, sir.

Mr. HALLEY. You did not know that?

Mr. GIZZO. No, sir.

Mr. HALLEY. You say you gave your \$5,000 in bills of \$100 or more. Is that right?

Mr. GIZZO. That is right.

Mr. HALLEY. Would you be surprised to know that the bail was deposited in fives, tens, and twenties?

Mr. GIZZO. In the money?

Mr. HALLEY. Yes; the cash that was put up.

Mr. GIZZO. I gave him \$5,000 in hundred-dollar bills.

Mr. HALLEY. But you don't know about the other 25?

Mr. GIZZO. I don't know anything about the other \$25,000, where they got it or where they raised it. I don't know anything about it. I know they raised it. I have heard where they raised it.

Mr. HALLEY. Where did you hear they raised it?

Mr. GIZZO. Five or six or seven fellows around town here.

Mr. HALLEY. Who are they?

Mr. GIZZO. I don't know. This is just hearsay. I couldn't go on record for saying Pauley Nigro was one of them.

Mr. HALLEY. Nigro?

Mr. GIZZO. Yes; a fellow named Joe Barber, I think, was another one. And I think Charlie's wife, I think, had some money at home, and I think Lacoco raised the money.

Mr. HALLEY. Anyone else?

Mr. GIZZO. I don't remember; might have been. I don't remember. I remember on Twelfth Street they met me and asked me if I had any money, going to get Charlie out. I said, "I got \$5,000," so I gave it to him.

Mr. HALLEY. You don't think any of the money that went into that bail was picked up at the robbery in the Stork Club that night?

Mr. GIZZO. No.

Mr. HALLEY. That would not be possible?

Mr. GIZZO. No, sir.

Mr. HALLEY. Who turned the \$30,000 over for the bail? Who delivered it?

Mr. GIZZO. Tommy Lacoco.

Mr. HALLEY. Tommy Lacoco?

Mr. GIZZO. Yes.

Mr. HALLEY. Did you ever give a political contribution?

Mr. GIZZO. Yes, sir.

Mr. HALLEY. How much, and to whom?

Mr. GIZZO. I don't know. I think we gave two or three hundred one time to the club at Fifteenth Street there.

Mr. HALLEY. Who is "we"?

Mr. GIZZO. Our partners up there.

Mr. HALLEY. Coates House?

Mr. GIZZO. Yes.

Mr. HALLEY. Have you ever given any other political contribution of any kind?

Mr. GIZZO. No, sir.

Mr. HALLEY. When did you give the two or three hundred, in 1948?

Mr. GIZZO. I think it was; yes, sir.

Mr. HALLEY. Were you backing Binaggio in that election?

Mr. GIZZO. Was I backing Binaggio?

Mr. HALLEY. Yes.

Mr. GIZZO. I never been in politics in my life.

Mr. HALLEY. What support you could give, were you giving it?

Mr. GIZZO. If he wanted two or three hundred dollars, I gave it to him. That is what he asked for; I gave it.

Mr. HALLEY. You were for an open town, were you not?

Mr. GIZZO. Well, no; I was getting along all right.

Mr. HALLEY. You didn't care whether anybody else operated; is that right?

Mr. GIZZO. I was getting along all right. I had a cigar store.

Mr. HALLEY. Your operations were not legal at the Coates House.

Mr. GIZZO. We had a cigar store up there; sold cigarettes and cigars.

Mr. HALLEY. Everybody in town knew you could bet there.

Mr. GIZZO. Yes, but everybody in town couldn't bet us.

Mr. HALLEY. How did the police let you operate? What was the particular reason you were able to operate?

Mr. GIZZO. They tried to catch us several times.

Senator WILEY. How?

Mr. GIZZO. They tried to catch us.

Mr. HALLEY. Who tried to catch you?

Mr. GIZZO. Police.

Mr. HALLEY. Were you ever arrested?

Mr. GIZZO. No, sir; never found any evidence.

Mr. HALLEY. Was Charlie Binaggio ever arrested for bookmaking?

Mr. GIZZO. He was never around there.

Mr. HALLEY. You were around there?

Mr. GIZZO. I was around there; that is right.

Mr. HALLEY. And the police came in on several occasions?

Mr. GIZZO. A couple of times I wasn't there they came in when Mel Levitt was there, or Butler.

Mr. HALLEY. Did they ever come in when you were there?

Mr. GIZZO. Once they did.

Mr. HALLEY. Did you know they were coming?

Mr. GIZZO. No.

Mr. HALLEY. How were you able to keep them from getting any evidence?

Mr. GIZZO. We never had anything in there, Mr. Halley, that would show any evidence. You have got a cigar store and cigarettes. The chances are they knew we were gambling but they could not catch us. We would not take a bet from nobody. Baseball and football is different from horses altogether. Just a thing, they call you up on the

phone, tell me give me \$200 on some football. You write the ticket and hide the ticket.

Mr. HALLEY. How did you get your information on odds?

Mr. GIZZO. Well, we called up Minneapolis.

Mr. HALLEY. Who did you call in Minneapolis?

Mr. GIZZO. I forget the name of the office there, some kind of a news company.

Mr. HALLEY. Where else did you get your information?

Mr. GIZZO. That is about all. We paid them for the service up there.

Mr. HALLEY. Are you a man of substantial means?

Mr. GIZZO. Well, I don't know.

Mr. HALLEY. What is your net worth today?

Mr. GIZZO. Oh, I don't know, Mr. Halley. I could not begin to tell you.

Mr. HALLEY. Over \$100,000?

Mr. GIZZO. Might be; might be less.

Mr. HALLEY. Recently you were given as much as \$300,000 credit, were you not?

Mr. GIZZO. That is right, sir.

Mr. HALLEY. In a liquor transaction.

Mr. GIZZO. Yes.

Mr. HALLEY. I have no other questions.

The CHAIRMAN. That was in connection with the Lawrence Brewing Co. in Kentucky?

Mr. GIZZO. Yes.

The CHAIRMAN. You and another man formed a corporation for ten or fifteen thousand dollars, and Mr. Walton, was that his name?

Mr. GIZZO. Yes.

The CHAIRMAN. And met a man you have never seen before hardly, had you?

Mr. GIZZO. Who is that?

The CHAIRMAN. Mr. Bocutz.

Mr. GIZZO. Groscutz, do you mean?

The CHAIRMAN. Groscutz.

Mr. GIZZO. Yes.

The CHAIRMAN. How did you meet him?

Mr. GIZZO. I met him here.

The CHAIRMAN. You had not seen him frequently; you did not know him well, did you?

Mr. GIZZO. Well, he had been coming here quite often.

The CHAIRMAN. So with this ten or fifteen thousand dollar corporation, you bought liquor from the Lawrence Distillery down in Lawrenceburg, Ky., had a credit of \$300,000 you owed them at one time.

Mr. GIZZO. \$332,000, to be exact.

The CHAIRMAN. \$332,000.

Mr. GIZZO. Yes.

The CHAIRMAN. You finally went out of business and owe them \$25,000 now, do you not?

Mr. GIZZO. \$123,000.

The CHAIRMAN. \$123,000?

Mr. GIZZO. Yes.

The CHAIRMAN. How did you get credit like that with a \$15,000 corporation?

Mr. Gizzo. I don't know. I guess——

The CHAIRMAN. Now, in this, you used the local news service here to get your betting information, didn't you?

Mr. Gizzo. No, sir.

The CHAIRMAN. At the Gizzo News Service, did you not make book there?

Mr. Gizzo. Yes, sir; but I never used any news from here. The news they were giving here were horses.

The CHAIRMAN. So you had to have baseball news and what not.

Mr. Gizzo. Baseball news, that is right.

The CHAIRMAN. You got that from Minneapolis?

Mr. Gizzo. Minneapolis.

The CHAIRMAN. Did you get any from Beaumont, Tex.?

Mr. Gizzo. No, sir.

The CHAIRMAN. Is there a company in Beaumont, Tex.?

Mr. Gizzo. I never heard of it. The only place we ever got service, we paid for it, is in Minneapolis.

The CHAIRMAN. Were you a member of the Fifteenth Street Club, Charlie Binaggio's club?

Mr. Gizzo. Was I a member?

The CHAIRMAN. Out here.

Mr. Gizzo. Yes, sir.

The CHAIRMAN. You laid off bets at Omaha and Chicago and Frank Erickson in New York sometimes, did you not?

Mr. Gizzo. Erickson, I only bet him one time. I think that was in 19— when I had the horses—1936 or 1937.

The CHAIRMAN. How would you lay off bets with them? Did you telephone lay-off?

Mr. Gizzo. I call by telephone, yes, sir.

The CHAIRMAN. You had five or six girls with several telephones?

Mr. Gizzo. No, no girls at all, just three fellows who were in there. We had long distances, LD's.

The CHAIRMAN. Open line all of the time?

Mr. Gizzo. That is right, sir.

The CHAIRMAN. You kept an open line.

Mr. Gizzo. Well, the LD, you just pick up and ask for long distance, and you ask for New York City, and you get it like a local number or Chicago or Minneapolis.

The CHAIRMAN. How many telephones would you have?

Mr. Gizzo. We had at one time I think about three LD and four or five local phones.

The CHAIRMAN. When you would lay a bet off, what percentage of the amount laid off would you get? How would you bank, in other words, with these people? Did you have an open account where they credit you so much or debit you so much?

Mr. Gizzo. No, the chances are we would run \$10,000 one way or the other.

The CHAIRMAN. Then when would you even accounts, at the end of the month?

Mr. Gizzo. Well if it ran to \$10,000 in 2 or 3 or 4 days or a week, it might take you a month, maybe to run up \$10,000 or back and forth, you win today and lose tomorrow. That is the way it went. As soon

as it reached \$10,000, they would send me a check or I would send them a check.

The CHAIRMAN. Now, these baseball and basketball bettings, did you have accounts on the outside that would take bets for you?

Mr. Gizzo. No, sir.

The CHAIRMAN. Did you have all of it in your cigar store?

Mr. Gizzo. That is right.

The CHAIRMAN. Did you lay off with a Mr. Courtney in New York?

Mr. Gizzo. Courtney?

The CHAIRMAN. Yes.

Mr. Gizzo. No, sir.

The CHAIRMAN. Do you know him?

Mr. Gizzo. No, I don't know him.

The CHAIRMAN. I believe that is all.

Senator WILEY. I have practically no questions. I was interested in this method of carrying cash, \$100 bills. I have heard all about that before now. Now I have a man who had been doing that, so I will ask you some questions.

Mr. Gizzo. All right, sir.

Senator WILEY. Just why would you carry up to five or ten thousand dollars in bills on your person in a community like this where they were knocking them off?

Mr. Gizzo. Well, I wouldn't carry \$10,000. I said about \$5,000, \$6,000, \$3,000.

Senator WILEY. How much have you on your person now?

Mr. Gizzo. I don't know. Do you want to look at it?

Senator WILEY. Let us see.

Mr. Gizzo. I might have two or three thousand dollars, I don't know. Here it is.

Senator WILEY. In hundred dollar bills.

Mr. Gizzo. Here they are.

Senator WILEY. Hundred dollar bills.

Mr. Gizzo. Oh, oh. You might get me held up.

Senator WILEY. Let us see.

Mr. Gizzo. \$2,500 I have got here.

Senator WILEY. \$2,500.

Mr. Gizzo. Yes, sir. When you gamble, you have to pay off. If you don't pay off, your word isn't any good.

Senator WILEY. You are not exactly on social security yet. You said you were out of employment, so now we have shown that there was an error in that statement. You are still gambling, are you?

Mr. Gizzo. Well, I am gambling. I am a walking bookmaker now.

Senator WILEY. You are a walking bookmaker?

Mr. Gizzo. That is right.

Senator WILEY. I still think you have not indicated that same degree of perseverance in seeking to find the murder of your friend that you have in lining your own pocket with this gelt, as we say down here.

Mr. Gizzo. We are doing everything in the world, we are trying to find out. Charlie was a funny, funny kind of a funny chap.

Senator WILEY. Tell us about him. Give us your own picture.

Mr. GIZZO. In my opinion of the fellow it was that he had his hands in too many things, so that is the thing that you can't find out what happened.

Senator WILEY. What do you mean, too many things?

Mr. GIZZO. Well, he was running here, he was running there, he was running here, nobody knew where he was running. He would not tell you anything.

Senator WILEY. You were his partner.

Mr. GIZZO. Partner making money.

Senator WILEY. Then he was pretty good at making money, too?

Mr. GIZZO. I don't know. I know that I know how to beat these football teams. I am a pretty good handicapper, if I say it myself.

Senator WILEY. You think dabbling in politics was one of the other things you are talking about?

Mr. GIZZO. Yes.

Senator WILEY. What other was he dabbling in?

Mr. GIZZO. He was dabbling in politics, that was enough. Every time you talked to the fellow, he looked like he was out of his head all of the time. I don't know.

Senator WILEY. The other fellow, or Charlie.

Mr. GIZZO. Charlie. You talked to him and he would be in St. Joe some place 60 miles away. He wouldn't know what you were talking to him about, so many things he had on his mind.

Senator WILEY. That is all.

The CHAIRMAN. That is all. Thank you, Mr. Gizzo.

Mr. Konomos, please.

You swear the testimony you will give this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. KONOMOS. I do, sir.

The CHAIRMAN. Mr. Halley, we have to finish up shortly.

TESTIMONY OF MICHAEL KONOMOS, ATTORNEY, KANSAS CITY, MO.

Mr. HALLEY. You are a lawyer here in Kansas City?

Mr. KONOMOS. Yes, sir.

Mr. HALLEY. Your office is at the Argyle Building?

Mr. KONOMOS. Yes, sir.

Mr. HALLEY. How long have you been practicing law in Kansas City?

Mr. KONOMOS. Twenty-eight years.

Mr. HALLEY. In the latter part of 1946, or the early part of 1947, were you visited by a man named Burke?

Mr. KONOMOS. I do not recollect the exact time, but some time several years ago I was called upon by a gentleman by the name of Burke.

Mr. HALLEY. Was he accompanied by anyone else?

Mr. KONOMOS. I do not recollect whether he was when I first met him.

Mr. HALLEY. Did you have several meetings with him?

Mr. KONOMOS. I would say one or two. I don't recollect the number of meetings.

Mr. HALLEY. At least on the second occasion was there a man by the name of Padgett with him?

Mr. KONOMOS. I met a gentleman by that name. Whether he was with him or not, I cannot tell you.

Mr. HALLEY. Did Burke tell you who he represented?

Mr. KONOMOS. Either he or Mr. Padgett, I don't recollect, told me that they were representing—I don't want to misquote, it has been long ago—the Continental Press or news or something of that type, that they were operating a lawful news agency, and that somebody was trying to take it over or muscle in, I don't want to use the exact language they used. I don't recollect it.

Mr. HALLEY. The gist of it was that they represented the Continental wire service, is that right?

Mr. KONOMOS. That would be my recollection, yes, sir.

Mr. HALLEY. Their business, as they explained it to you, was that they were in the lawful business of transmitting news over a telegraph wire?

Mr. KONOMOS. I don't want to say telegraph wire. They were transmitting news lawfully. I don't know whether it was telephone or telegraph. I could not tell you.

Mr. HALLEY. Over a wire, in any event.

Mr. KONOMOS. I would take it to mean that.

Mr. HALLEY. And they wanted you to represent them, is that right?

Mr. KONOMOS. They wanted me to see if I could represent them and stop the people, if there were people, or whoever they were, I don't know, a syndicate, from taking over the wires unlawfully.

Mr. HALLEY. They told you the Capone gang was moving in on them, didn't they?

Mr. KONOMOS. They intimated that, if not directly.

Mr. HALLEY. And what did they want you to do about it?

Mr. KONOMOS. Well, to go to court and get a writ and bring it up, which I think the State of Missouri later on fought it out, I think. I don't know who the lawyers were, as I recollect they had it before the supreme court or the commission in Missouri.

Mr. HALLEY. How did they happen to come to your door?

Mr. KONOMOS. I don't know who sent them to me. I could not tell you, and I don't think they told me at the time. If I recollect, Mr. Malley, that is all.

Mr. HALLEY. Did they say who had been their agent here in Kansas City?

Mr. KONOMOS. I think they named a gentleman by name of Partnoy.

Mr. HALLEY. Simon Partnoy?

Mr. KONOMOS. I don't know his first name. I don't know the gentleman if I see him.

Mr. HALLEY. Did they say what he had done? What did they tell you about him?

Mr. KONOMOS. I don't know that they said anything specifically as to what he done.

Mr. HALLEY. Did they say that their local agent joined the opposing group?

Mr. KONOMOS. Well, I am not going to say anything, because I don't recollect. I took it from all of their conversation and inferences, that somebody was taking over their wires or their business, whatever you want to call it.

Mr. HALLEY. And they wanted you to try to get an injunction?

Mr. KONOMOS. Yes, sir.

Mr. HALLEY. You had to get some facts, you found out that their local representative was Partnoy, is that right?

Mr. KONOMOS. That I was told. I never met Mr. Partnoy. I heard that later. That came out in the paper, I never talked to him.

Mr. HALLEY. What did you do about it?

Mr. KONOMOS. When they first came to me, I saw in the papers, it was broadcasted before they came to me that there were feuds and fights, and I don't know. Before I walked into it, my judgment told me to see who in this town might know something about it. There was talk. You hear it all over the streets. That this fellow or that fellow might have something to do. They were talking about Binaggio. I had never met him. I knew him by sight, I don't believe I had ever met him. And, well, people saying maybe his friend or associate Henry McKissick might know something. So on the assumption that I might get some information, I went to Henry McKissick. I said, "Henry, these people have come to represent me. What do you know about this thing?"

He said, "Michael, I know nothing. I am not in the gambling business. I know nothing about it."

Mr. HALLEY. Did you go to see anyone else?

Mr. KONOMOS. I did.

Mr. HALLEY. Who else did you go to see?

Mr. KONOMOS. I went and I saw Mr. Tim Moore and he said, "Michael, I am not having anything to do. I know nothing about it."

Mr. HALLEY. Then did you go to see Binaggio?

Mr. KONOMOS. I did not, sir.

Mr. HALLEY. Did you go to see Sheriff Purdome?

Mr. KONOMOS. Beg pardon. I think I went to see Purdome and told him that these things had come to me and if he would not look into it. He sent one or two of his deputies to go to St. Louis or do some investigating, where they went I don't know.

Mr. HALLEY. How did St. Louis come into the picture?

Mr. KONOMOS. I don't know, sir.

Mr. HALLEY. Were you told that the same thing was happening in St. Louis?

Mr. KONOMOS. It was in the papers, sir.

Mr. HALLEY. At that time?

Mr. KONOMOS. I think so, because the Collier's magazine editor, one of them, Lester Velie, came to my office, and we went to the Muehlebach Hotel and had dinner at his expense and I told him the same thing I am telling you, that I knew nothing about it.

Mr. HALLEY. Shortly afterward, while you were driving your car, did something happen by way of a threat to your life?

Mr. KONOMOS. Yes. One night going home driving the car, around Twenty-seventh and Magee or some place there, two or three men, two at least that I saw, cornered me and I never had seen them before, didn't know who they were. "Listen Greek, if you want to stay healthy keep out of this business."

Mr. HALLEY. What do you mean when you say they cornered you? Were they in another automobile?

Mr. KONOMOS. That is right.

Mr. HALLEY. What did they do, pull up next to you?

Mr. KONOMOS. They did.

Mr. HALLEY. And did they have a gun?

Mr. KONOMOS. They did. I don't know what kind it was. I could tell you it was guns, you know, when you get cornered. You read papers, every day, you sort of guess. I couldn't tell you what kind or caliber.

Mr. HALLEY. Were you threatened again?

The CHAIRMAN. Let us get more about this, did they get out of the car and come over to see you?

Mr. KONOMOS. No, sir.

The CHAIRMAN. When they cornered you, that is?

Mr. KONOMOS. They just got me cornered.

The CHAIRMAN. Just drove in front of you so you couldn't go on?

Mr. KONOMOS. They said, "Listen, Greek, if you want to stay healthy——"

The CHAIRMAN. Was that on a road?

Mr. KONOMOS. On McGee going home.

The CHAIRMAN. Did they get the guns out?

Mr. KONOMOS. Yes, sir.

The CHAIRMAN. You believed what they said?

Mr. KONOMOS. I have been around, I am 50 years old. I have seen guns before.

The CHAIRMAN. Were they short guns or long guns?

Mr. KONOMOS. Well, I think they were revolvers, sir.

The CHAIRMAN. You mean pistols?

Mr. KONOMOS. I did not see the whole frame of the gun, I don't know unless they were machine guns.

The CHAIRMAN. Had you ever seen them before?

Mr. KONOMOS. These men? No.

The CHAIRMAN. Were they rough looking fellows?

Mr. KONOMOS. I don't know what you mean. Gun is rough enough for me. A man's dynamic power or strength speaks through his gun. I don't know. Heavy-set fellow and another fellow.

The CHAIRMAN. What kind of car did they have?

Mr. KONOMOS. I couldn't tell you, sir, I would have to just guess. Might have been a Buick or Pontiac.

The CHAIRMAN. Did you get their number?

Mr. KONOMOS. No, I did not because after they stopped me, they said "Keep on going now and stay healthy if you want to stay healthy and stay out of this business. Then I drove on and they stayed behind and I didn't do any more looking.

Senator WILEY. No time to argue.

Mr. KONOMOS. I would not do it, sir. I would maybe 15 years ago when I was younger but I have got a family.

Mr. HALLEY. That was at night time?

Mr. KONOMOS. Yes, sir.

Mr. HALLEY. You were on your way home, is that right?

Mr. KONOMOS. That is right, sir.

Mr. HALLEY. Were you threatened again after that?

Mr. KONOMOS. Later on.

Mr. HALLEY. How much later?

Mr. KONOMOS. Oh, maybe a week or two.

Mr. HALLEY. What happened on that occasion?

Mr. KONOMOS. Well, I was stopped again, I was closer to home. They said, "Now, look, you have got a lot of friends in this town. If you want to stay healthy and clean, stay off this business you are trying to uncover or discover." And I just stopped—

Mr. HALLEY. Who stopped you on this second occasion?

Mr. KONOMOS. Some other people, not the same people.

Mr. HALLEY. Did you get a good look at them?

Mr. KONOMOS. I certainly did. I never saw him before or since.

Mr. HALLEY. And were they in an automobile too?

Mr. KONOMOS. Yes, sir.

Mr. HALLEY. Did they have guns?

Mr. KONOMOS. They sure did.

Mr. HALLEY. What did you say to them, did you say anything at all?

Mr. KONOMOS. No, I just sort of lost my breath for a moment and I decided to step out of it and I did.

Mr. HALLEY. Did you complain to the police?

Mr. KONOMOS. I had gone to the police before.

Mr. HALLEY. Did you go to the police on this occasion?

Mr. KONOMOS. No, sir; I did not report anything about them doing this, I went to the police and I had an arrangement with the then chief of police, I pounded my fist on his desk and I probably called him a name. I guess he remembers. Then I walked out.

Mr. HALLEY. What did you go to the police for? What did you ask the police chief to do at that time?

Mr. KONOMOS. I told them these people came and they wanted to operate as they told me a lawful line of business. And that they had given me certain names and telephone numbers where supposedly bookies were operating. And he said "Well, there isn't any bookies in this town, Konomos." "By God, you call these numbers," I said.

He said, "Well, I am not going to do it." And I think I said "I am a citizen besides being a lawyer, but forget the lawyer part. I dare you to call these numbers."

We got into it and I called him a name or two and I walked out and that is all I heard.

Mr. HALLEY. How long was that before you were threatened?

Mr. KONOMOS. I don't know, sir.

Mr. HALLEY. Well; after the second threat—

The CHAIRMAN. Who was it you were talking with on that occasion?

Mr. KONOMOS. Harold Anderson, chief of police then, at the time.

The CHAIRMAN. Had you talked to Mr. Johnston about it?

Mr. KONOMOS. Mr. Johnston I think was not here, sir. I don't know, I talked to Mr. Anderson. Not Henry W. Johnston, no, sir. I don't think I did.

The CHAIRMAN. Is Mr. Anderson still in the police department?

Mr. KONOMOS. I don't know, sir. I think he is. I don't know.

The CHAIRMAN. Did he call any numbers?

Mr. KONOMOS. I don't know, sir. Not in my presence.

The CHAIRMAN. He said there were no bookies operating?

Mr. KONOMOS. He said, "This town is clean, we know of nobody that is operating any bookies."

The CHAIRMAN. You gave him the numbers and dared him to call these people?

Mr. KONOMOS. They were furnished to me by some of these people. I don't know if there were such numbers. I never called them personally.

Mr. HALLEY. After the second threat, did you have any further activity or did you get out?

Mr. KONOMOS. No; I got out, I don't recollect, I know that I went to the Kansas City Star. I think I did. I don't recollect. It has been so long ago. But I stepped out finally because I thought it would have been healthful for me to stay out.

Mr. HALLEY. Did you ever send a bill to the Continental Press?

Mr. KONOMOS. Yes, sir; they paid me \$250.

Mr. HALLEY. And where did you collect that? Did you go to their office in Chicago?

Mr. KONOMOS. I don't recollect. I was on the way to Washington or from Washington, or they mailed me a check. I know it was a check. I can't tell you, sir.

Mr. HALLEY. Were you ever in the office of the Continental in Chicago?

Mr. KONOMOS. I never was, sir.

Mr. HALLEY. At no time?

Mr. KONOMOS. No, sir. I don't know where their office is, except by mail, if I still have the stationery. I sought to find it several times.

Mr. HALLEY. What did you do? Write to them?

Mr. KONOMOS. I billed them; yes, sir.

Mr. HALLEY. They sent you a check back?

Mr. KONOMOS. That is right.

Mr. HALLEY. Did you bill them for \$250?

Mr. KONOMOS. I think I billed them for \$500. I am not sure. As I recollect, either the contents of the letter—it was a letter, I think, that since I had not obtained any result, they would have to resort to other lawyers to enforce their legal rights, that \$250 was enough, and of course there being the question of some questionable character, I compromised and accepted the \$250.

Mr. HALLEY. Did you ever draw any legal papers for an injunction in this matter?

Mr. KONOMOS. No, sir; I did not.

Mr. HALLEY. Did you ever make any effort to get some facts which would support an injunction?

Mr. KONOMOS. Yes. I investigated and prepared the facts to file an injunction, but after I looked around to collect these facts and I was stopped twice, I just stopped in my tracks and didn't go any further.

Mr. HALLEY. To whom did you go to get the facts?

Mr. KONOMOS. To whom?

Mr. HALLEY. Yes.

Mr. KONOMOS. These people that came to me, this Mr. Padgett and Mr. Burke, and of course from the newspapers and you know talking to the people in the street trying to find out. I have been here for 35 years.

Mr. HALLEY. There is an outfit in Kansas City that at that time was known as the Harmony Wire Service. Did you go to their offices?

Mr. KONOMOS. I did not.

Mr. HALLEY. Did you make any attempt to see Mr. Partnoy?

Mr. KONOMOS. I did not, sir.

Mr. HALLEY. Did you make any attempt to see any of the people who did represent Continental here in Kansas City?

Mr. KONOMOS. I didn't know anyone who represented the Continental here.

Mr. HALLEY. They had an office, did they not, called the Harmony Wire Service?

Mr. KONOMOS. No, not to my knowledge. As I told you, these men told me that somebody, some syndicate, someone, was about to take it over.

Mr. HALLEY. As a lawyer you couldn't file an injunction suit alleging that syndicate was about to take over?

Mr. KONOMOS. That is correct.

Mr. HALLEY. What were you told was going to be taken over?

Mr. KONOMOS. My cause of action would be, as a lawyer you will know, "Now this day comes John Doe and alleges that——"

Mr. HALLEY. Alleges what?

Mr. KONOMOS. "That this company known as the Continental Press, operating under authority of law, a legal business heretofore, is now being taken over by the so-called John Doe unlawfully for purpose illegal and unlawful under the laws and statutes of Missouri and the United States."

Mr. HALLEY. Who were you going to serve, John Doe?

Mr. KONOMOS. I was going to serve Mr. Partnoy.

Mr. HALLEY. Why didn't you make some effort to find out what his story was?

Mr. KONOMOS. I didn't want to find myself in a ravine on my front porch.

The CHAIRMAN. I think that is enough. Any questions, Senator Wiley?

Senator WILEY. No.

Mr. HALLEY. No questions.

The CHAIRMAN. Thank you very much.

Mr. KONOMOS. Thank you, gentlemen.

The CHAIRMAN. The maps that have been identified and referred to, the charts, exhibits Nos. 9, 10, and 11, are officially made a part of the record of the committee, and are for the benefit of the press who may want to use them.

The committee will have to make faster progress tomorrow. I think we have gotten along with these witnesses about as fast as we could, but I think we had better meet at 9:30 in the morning at this same courtroom.

If any witness would like to see what time he will be called tomorrow he can get in touch with Mr. Halley or Mr. White or Mr. McCormick. It might be we can arrange it to suit your convenience.

So the committee will stand in recess until 9:30 in the morning.

(Whereupon, at 5:10 p. m. the committee recessed until 9:30 a. m., Friday, September 29, 1950.)

INVESTIGATION OF ORGANIZED CRIME IN INTERSTATE COMMERCE

FRIDAY, SEPTEMBER 29, 1950

UNITED STATES SENATE,
SPECIAL COMMITTEE TO INVESTIGATE
ORGANIZED CRIME IN INTERSTATE COMMERCE,
Kansas City, Mo.

The committee met, pursuant to recess, at 9:30 a. m., in courtroom No. 1, United States Courthouse, Kansas City, Mo., Senator Estes Kefauver (chairman) presiding.

Present: Senator Kefauver.

Also present: Rudolph Halley, chief counsel; Alfred Klein, assistant counsel; George H. White, John N. McCormick, and W. C. Garrett, investigators.

The CHAIRMAN. The committee will come to order.

Again let me state, and I wish the press would carry, that anyone who has been testified about, or whose name is brought out, if they feel they have not been fairly represented or they are aggrieved at what has been said, or they have any explanation or addition to make to the testimony that has been given, the chairman and the staff will be very happy if they will let us know, so that we can give them the opportunity of being heard.

Also, one or two people have inquired as to whether the committee is interested in additional information that might be brought to the attention of the committee while we are here, and we are, indeed. Any citizen who feels they have anything to add to the facts of our hearing, we would be very happy if they would get in touch with some member of the staff so that we could know the point involved.

Mr. Bash is the first witness. Will you stand and be sworn. You do solemnly swear that the testimony you will give this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BASH. I do.

TESTIMONY OF THOMAS B. BASH, SHERIDAN COUNTY, MENDON, MO.

The CHAIRMAN. We must proceed as rapidly as possible.

Mr. HALLEY. What is your full name and address, Mr. Bash?

Mr. BASH. Thomas B. Bash, Mendon, Mo., Sheridan County.

Mr. HALLEY. Were you sheriff of Jackson County?

Mr. BASH. Yes, sir.

Mr. HALLEY. During what period?

Mr. BASH. 1933 until 1947, January 1, December 31, 1946.

Mr. HALLEY. Were you on the scene of a shooting at a time when a man named Ferris Anthon was killed?

Mr. BASH. I was.

Mr. HALLEY. Will you describe what happened?

Mr. BASH. On August 12, 1933, I attended a benefit picnic at the Aines Dairy Home at 1434 East Seventy-eighth Street. The Cooperettes, who is the women's division of the Cooperative Club of Kansas City, were giving a benefit carnival for the homeless girls of Jackson County, of which my wife was the president of the Cooperettes at that time. They gave this benefit, and at about, I would say, 12:45, there was an old couple by the name of Louis who lived at 3422 Troost Avenue. Mrs. Louis was the treasurer of the Cooperettes.

The CHAIRMAN. Let us not get into too much detail. Let us get down to the point.

Mr. BASH. O. K., sir.

Mrs. Louis had approximately \$500 from this benefit social that was given out there, and I was at the festival, and I accompanied her home with the money, because \$400, \$500 is a considerable amount of money. I took them home at 3424 Troost and let them out, got in the house, and then I started to my home, which at that time was 3431 Woodland.

My wife and one of those little girls was in the car with me, and one of my deputies, Lawrence Hodges, at that time, was along. We turned east on Thirty-fourth Street to Forest Avenue, thence south to Armour Boulevard. Between Thirty-fourth Street and Armour Boulevard, which is some 400 feet distance, we heard screaming and shooting, and I told my deputy to put the red light and get up there. So we started, and about the time we reached, I would say, 150 feet north of the intersection on Forest Avenue, a large black car come turning the corner on us and shooting at us. Of course, I jumped out. I was on the off-driver's side on the sidewalk side. I jumped and told the deputy to stop the car and get out, and I grabbed my gun, and they was shooting directly at us. I stepped in front of my car, and the driver and another one of the men were sitting in the front seat of this car, who later was identified as Sam Scola and Gus Facioni, so I pulled down and shot those two boys, and in the meantime there was one boy running diagonally across the street, firing on my deputy, who was on the opposite side of the car, on the street side.

Of course, we stopped the firing. Then I had my attention directed to the east on Armour Boulevard. I saw an individual running across directly diagonally across the street toward me, and he was shooting at me. I run up to the intersection, the sidewalk of Armour Boulevard and Forest Avenue, and this fellow was firing directly at me. I leveled down on him, and just as he got pretty close to me, why, I started to fire at him, and he dropped his gun and threw up his hands and screamed, "Don't, don't shoot me, don't shoot me."

Then that is that part of it.

Mr. HALLEY. Who was this last man?

Mr. BASH. He was later identified as being Charles Gargotta.

Mr. HALLEY. In that affray had he shot somebody?

Mr. BASH. He had shot, which was proven in court, he had shot Ferris Anthon, the boy who was killed on the east side of Armour Boulevard. So I was busy and I captured this fellow, he dropped his gun, I pushed him in the building, against the brick building, and

naturally I wanted to pull the trigger, but I couldn't when the man's hands were up. If I had went and shot Mr. Gargotta, he would not have been here and I possibly would have got the fourth man that got away from us. My deputy was shooting at him and missed him.

But the results were that my attention was attracted, so many people running crowding around, and I saw some of these hoodlums begin to crowd in on me, and I thought they had shot my deputy, and I saw his straw hat coming around the side of the car, and I told him, I said, "Come over here and pick up this gun and bring it to me" that he had dropped, and then I had him.

At that time they began, some police began to arrive, and some of my deputies began to arrive a little later on, and then I went over to see what had happened across the street.

Mr. HALLEY. How many of them did you round up that night?

Mr. BASH. We rounded up about, I expect, 30.

Mr. HALLEY. On the scene?

Mr. BASH. Oh, no. No, no.

Mr. HALLEY. How many did you round up there?

Mr. BASH. I sent Gargotta to the police station. I turned him over to some police officers to take him to the courthouse, take him down to the jail, my county jail. I had this other investigation to make there, and I had sent my wife and this little girl on home, and I was watching some others, some of the other hoodlums that were there, crowding around there, and I was a little bit suspicious of that situation. I was trying to round them up.

In the investigation this fellow, Gargotta, had taken to, instead of bringing him to the jail as they should have done, they took him to this police department. I had a rough time getting him back over to the jail.

In the meantime there was a gun, he had another gun in his hip pocket, .45 automatic, Government automatic. So I went on down to jail and went out and got him myself, out to the Florida Avenue police station at that time.

Then we began rounding up everyone we could, we had any suspicions could have been implicated in the murder.

Mr. HALLEY. What crime was Gargotta tried for?

Mr. BASH. He was tried for murder, in the first degree, on Ferris Anthon. At that time we had a corrupt police department, I don't say they were all corrupt, we sent one of the officers to the Federal penitentiary for switching the tags on the gun that I had known I had put this gun in my left hip pocket and never got out of there, that is the one Gargotta was shooting at me with, the extra shots shooting at me with, and that is the gun that killed Ferris Anthon, which the ballistics experts had proven, and then they switched the tags on these guns, and we later sentenced one of the police boys to the Federal penitentiary for perjury. That is through the Federal Government.

I am telling you gentlemen that during the tenure of office if it had not been for the United States district attorney's office and for the FBI, who was at that time Edward Conroy was chief in command here, and later on Dwight Bradley, if it had not been for the support of those gentlemen, I guess we would still have been having a lot of trouble.

Mr. HALLEY. Weren't you able to get any cooperation from the police department at all?

Mr. BASH. No, sir; nothing.

Mr. HALLEY. Were you able to get away from the State government?

Mr. BASH. From the State government?

Mr. HALLEY. Yes.

Mr. BASH. At that particular time, no, because the State government was only in, they were only handling the highway.

Mr. HALLEY. You mean the highway patrol, State highway patrol?

Mr. BASH. Yes. They gave us some, but not in that particular case, but they were only working on highway accidents. They were not in criminal investigations at that particular time.

Mr. HALLEY. Was the State's attorney general's office empowered at that time to help? Did you turn to them for help?

Mr. BASH. Yes; they give me every bit of help they possibly could in every way they possibly could.

Mr. HALLEY. There was an acquittal on the murder charge?

Mr. BASH. He was acquitted on the murder charge.

Mr. HALLEY. Then what was he tried for?

Mr. BASH. Then he was tried by the Federal Government on this gun, on the Federal Government gun in his possession, and he was convicted in that charge, and he had a reversal in the court of appeals, on that, but he was convicted on that charge, and then after 27 continuances, I believe it was 27. I could be wrong, he was tried for felonious assault on me, and we finally convicted him for 3 years on that.

And that is the story of Mr. Gargotta.

Mr. HALLEY. Did he serve the whole 3 years?

Mr. BASH. No, sir. No, sir; I think for good behavior and other, I think for good behavior and possibly other matters, why, he was given his good behavior time.

Mr. HALLEY. Was he paroled?

Mr. BASH. I understand that he was paroled, given full pardon.

Mr. HALLEY. You say he was given a full pardon?

Mr. BASH. He got his citizenship voting rights back. I cannot definitely verify that, gentlemen, because I was away from here at the time, after my tenure of office, I went back to my farm.

Mr. HALLEY. Who would know about that? Who was Governor at the time?

Mr. BASH. Forrest Donnell.

Mr. HALLEY. And if the pardon was given, who gave it?

Mr. BASH. It would have to be he who gave it, as I recall he was the Governor at that time.

The CHAIRMAN. What time was that, and we will have the staff check the record. What date was that?

Mr. BASH. I would not know.

The CHAIRMAN. In what year?

Mr. BASH. I think it was in '39, '40, whenever the Governor was in.

The CHAIRMAN. Mr. White, will you get that for the record?

All right.

Mr. HALLEY. After that event, did you continue to have trouble with Gargotta and his associates?

Mr. BASH. I never had any more trouble with Gargotta. I kept him in jail for almost a year. I had him in jail on these different

charges, and tried every way to convict the man because he was a known hoodlum, gangster, and I had done my best, and we all did, to try to convict the man.

Mr. HALLEY. Who were the other known hoodlums with whom he associated?

Mr. BASH. Well, of course, he was in the Johnny Lazia organization at that time.

Mr. HALLEY. What was that Johnny Lazia organization?

Mr. BASH. First Democratic, the First Ward Democratic Club.

Mr. HALLEY. And Lazia was known as the——

Mr. BASH. Leader of the first.

Mr. HALLEY. Leader of the first?

Mr. BASH. Yes.

Mr. HALLEY. They controlled gambling?

Mr. BASH. Yes, sir.

Mr. HALLEY. And they were in prohibition liquor violation?

Mr. BASH. Yes, sir.

Mr. HALLEY. What else?

Mr. BASH. Everything connected with crime, as I remember it.

Mr. HALLEY. Who was the gang that was associated with this group under Johnny Lazia. Was there Tano Lacoco?

Mr. BASH. Yes, sir.

Mr. HALLEY. Tony Gizzo?

Mr. BASH. Yes, sir.

Mr. HALLEY. Was Frank DeLuca in that crowd or Joe DeLuca?

Mr. BASH. Names are vague with me, Mr. Halley, at this time. Names are vague with me, but all of the group that I can remember we had so many of them in jail, the names are vague with me.

Mr. HALLEY. Which are the outstanding ones besides Gargotta? Was Binaggio one of that group?

Mr. BASH. Charlie was a young man at that time. No. He was very inactive. I had never any occasion at that time or any time to connect up Charlie at any time during my term of office. As a matter of fact, I only knew him as just a young boy. I had no knowledge of any criminal activities on Charlie's part.

Mr. HALLEY. How about Johnny Mag?

Mr. BASH. If I remember correctly, we had Johnny in jail several times for investigation.

Mr. HALLEY. Was Impostato one of their group?

Mr. BASH. It would be strictly—with my memory now, Mr. Halley, it would be strictly, without verification, guess work.

Mr. HALLEY. You have no doubt, though, about Gargotta and Lacoco?

Mr. BASH. None.

Mr. HALLEY. Were they two of the leaders?

Mr. BASH. Yes, sir.

Mr. HALLEY. How long were you sheriff?

Mr. BASH. Four years, from 1933 until 1937.

Mr. HALLEY. During that period Binaggio was a young man, is that right?

Mr. BASH. Yes, sir. I tried my best—as I remember, there weren't over 20 or 25, what we called the rackets, the vicious boys that were here. We tried our best to get the public aroused in that matter and to give us some cooperation, and the juries. The jury system was

rough. We couldn't get jurors to testify. They were afraid. They were harassed, and they were afraid to testify. We could have gotten along and done a lot better work on it if it hadn't been for the fact that they were afraid to come up and testify. It was a serious situation. We had every kind of situation confronting us at that particular time, the kidnapers of Pretty Boy Floyd, the Union Station massacre, the kidnapers of St. Louis that we captured here. We had one of the St. Valentines massacre boys here who machine gunned during the massacre. Bert Samons and a lot of big-time criminals were caught here in Jackson County because they were protected.

Mr. HALLEY. How were they protected?

Mr. BASH. They knew it was safe to come in here, that is all.

Mr. HALLEY. The police didn't bother them.

Mr. BASH. The police evidently didn't.

Mr. HALLEY. And prospective witnesses were intimidated so they wouldn't testify.

Mr. BASH. That is right, they were intimidated. I tried every way I could in the world. We could have convicted Charlie Gargotta of murder if it hadn't been for the intimidation of our jurors.

Mr. HALLEY. There are no other questions, Senator.

The CHAIRMAN. Sheriff, Gargotta had a brother, Gus (Skinny) Gargotta, didn't he?

Mr. BASH. Yes. I don't know whether it was his brother or nephew, but I run into him a lot. He is one of the boys who was out there when I had Charlie backed up. I was watching him because I recognized he was trying to crowd in on me. I was watching him pretty close. Yes, he was just a bad boy.

The CHAIRMAN. He even operated a bookie place over in Kansas City, Kans.

Mr. BASH. Senator, as to that I don't know, but I know he was in about everything that was bad.

The CHAIRMAN. I have here, Sheriff, which I want to make a part of the record at this point, an FBI report on Charlie Gargotta, beginning in 1919 down to 1947, showing his arrests and convictions and investigations, things ranging from attempted burglary to murder, all kinds of charges, 39 different charges spread out over the period of those years. That is only in Missouri.

(The report referred to is identified as exhibit No. 12, and appears in the appendix on p. 415.)

The CHAIRMAN. That is all, Sheriff.

Mr. BASH. Thank you.

The CHAIRMAN. Mr. Hendren, will you come around. Mr. Hendren, do you swear the testimony you will give this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. HENDREN. Yes, sir.

TESTIMONY OF JOHN H. HENDREN, ATTORNEY, JEFFERSON CITY, MO.

Mr. HALLEY. Your name is John H. Hendren?

Mr. HENDREN. That is correct.

Mr. HALLEY. And your address is 105 West High Street, Jefferson City, Mo.?

Mr. HENDREN. That is my law office, yes, sir.

Mr. HALLEY. You are an attorney?

Mr. HENDREN. That is correct.

Mr. HALLEY. Are you now chairman of the Missouri State Democratic Committee?

Mr. HENDREN. No. I went out of State chairman on September 12.

Mr. HALLEY. You were until then.

Mr. HENDREN. That is correct.

Mr. HALLEY. You were in the year 1948, is that correct?

Mr. HENDREN. That is correct.

Mr. HALLEY. In the primary election in 1948 were you campaign manager for Forrest Smith?

Mr. HENDREN. That is right.

Mr. HALLEY. Did you personally keep the financial records of the campaign?

Mr. HENDREN. No, I did not, Mr. Halley.

Mr. HALLEY. But they were kept under the direction of Governor Smith, and he filed his report, is that right?

Mr. HENDREN. That is correct.

Mr. HALLEY. Who handled the campaign contributions on the general election, the funds?

Mr. HENDREN. They were turned in to the treasurer of the State committee, who was Mr. Ray Edland, and Mr. Ragland was the assistant treasurer. He kept the records at Jefferson City.

Mr. HALLEY. Did you give them specific instructions on the keeping of the records?

Mr. HENDREN. I don't know that I gave them specific instructions, no, Mr. Halley. I assumed they would keep the records; yes, sir.

Mr. HALLEY. They knew the law of the State, you presumed.

Mr. HENDREN. I assumed they did; yes, sir.

Mr. HALLEY. Do you know of any contributions that were made by or through Charles Binaggio to that campaign?

Mr. HENDREN. I do not know of any.

Mr. HALLEY. Certain funds were collected by his club, isn't that so?

Mr. HENDREN. I have no personal knowledge of that, Mr. Halley.

Mr. HALLEY. For instance there was testimony here yesterday that the Coates House, in which Binaggio and Gizzo were partners in a gambling venture, contributed several hundred dollars to the club, \$200 to the Fifteenth Street Club.

Mr. HENDREN. I don't know anything about that.

Mr. HALLEY. You wouldn't know about that. Those funds would be kept separately from the funds of the State Democratic committee, is that right?

Mr. HENDREN. That is correct.

Mr. HALLEY. Do you know of any contributions by Gregory Moore or Frank Wortman?

Mr. HENDREN. No, I do not.

Mr. HALLEY. Or by any of the gamblers in either St. Louis or Kansas City?

Mr. HENDREN. No, I know of none.

Mr. HALLEY. There have been newspaper stories that Charles Binaggio had collected a large amount of money—it has been reputed as high as \$150,000—for the Smith campaign. Have you ever known any facts in relation to that one way or another?

Mr. HENDREN. No, I never knew of any such campaign contributions to Smith's campaign.

Mr. HALLEY. You know of no verification of any such stories?

Mr. HENDREN. No, I know of none.

Mr. HALLEY. Do you know of any story about some campaign contributions having been returned to Binaggio after he failed to obtain certain patronage?

Mr. HENDREN. I have read the newspaper stories.

Mr. HALLEY. To your knowledge those stories are not the fact, is that correct?

Mr. HENDREN. I know nothing about it at all, Mr. Halley.

Mr. HALLEY. You have investigated those matters in the State committee?

Mr. HENDREN. Investigated them the best I could. I couldn't find out where they originated. I could find no verification of them at all. At all.

Mr. HALLEY. Did you discuss them with Governor Smith?

Mr. HENDREN. I think he and I talked about it at the time about it, and it came out in the papers. He knew nothing about it. He told me he didn't know anything about it.

Mr. HALLEY. You did receive a cash contribution, however, from William Molasky, did you not?

Mr. HENDREN. That is correct.

Mr. HALLEY. And he is one of the owners of the Pioneer News Service, is that right?

Mr. HENDREN. I understand he is.

Mr. HALLEY. What were the circumstances of that contribution?

Mr. HENDREN. As I remember, Mr. Halley, in the summer or fall of 1948 Judge Edward Eversole of Festus, Mo., the circuit court judge, was in headquarters one day and stated that he had an inquiry I believe from Mr. Porter who ran a paper down at Festus, that some Jewish man down at Festus wanted to make a contribution to the committee or to the Governor's campaign and wanted to know if he could appoint or recommend someone for the St. Louis Police Board of the Jewish faith. As I remember it, I told Judge Eversole that I knew that the Governor would not let anyone appoint anyone to the police board whether they made any contribution or not. The next I heard of it, I believe the judge was in the office one day and discussed it further. I told the judge that if the contribution was made there wouldn't be any guaranty that anyone would be appointed.

Mr. HALLEY. The judge told you, did he not, whom Molasky wanted appointed?

Mr. HENDREN. Yes. I recollect he did; yes, sir.

Mr. HALLEY. Who was that?

Mr. HENDREN. I believe his first choice was Mr. Shenker.

Mr. HALLEY. Morris Shenker?

Mr. HENDREN. Yes.

Mr. HALLEY. Did you tell the judge what your position would be or what you thought the Governor's position would be with reference to Morris Shenker?

Mr. HENDREN. I told him I was fairly sure the Governor wouldn't even consider him.

Mr. HALLEY. Did you say why?

Mr. HENDREN. He had a large criminal practice in St. Louis. I didn't believe the Governor would even consider him.

The CHAIRMAN. What was the rest of the conversation about whether he would consider anybody or not, Mr. Hendren?

Mr. HENDREN. I told him I didn't think the Governor would make any commitments of any kind about appointing anybody to the board.

Mr. HALLEY. Were you asked if they might submit a list?

Mr. HENDREN. Yes, they asked if they might submit a list of names.

Mr. HALLEY. Who asked that and where was it?

Mr. HENDREN. I believe Judge Eversole suggested that.

Mr. HALLEY. On the second meeting with Judge Eversole?

Mr. HENDREN. Yes.

Mr. HALLEY. What was your answer to that?

Mr. HENDREN. I told him that man could submit a list of names. I told him I would state that no one on there might be appointed or might not be appointed—that names could be submitted.

Mr. HALLEY. Did you finally receive a list of names?

Mr. HENDREN. I don't believe I ever did, Mr. Halley. I have no recollection.

Mr. HALLEY. You did receive the contribution though?

Mr. HENDREN. That is correct.

Mr. HALLEY. When and where did you receive it?

Mr. HENDREN. As I remember it, it was along in the early part of October or the latter part of September 1948 at the Mayfair Hotel in St. Louis.

Mr. HALLEY. Who was present?

Mr. HENDREN. Mr. Morris Shenker and Mr. Molasky.

Mr. HALLEY. Was anything said then about the police commissioner-ship?

Mr. HENDREN. I don't believe there was. I don't recollect anything being said at that time.

Mr. HALLEY. What did you do with the \$2,000?

Mr. HENDREN. I turned it in to Mr. Ragland at State headquarters when I returned to Jefferson City.

Mr. HALLEY. Was it reported as a contribution by Molasky?

Mr. HENDREN. No. It was a contribution to the Governor's campaign. I told Mr. Ragland to hold it separate from the State committee funds until he found some place to use it.

Mr. HALLEY. What was finally done with it?

Mr. HENDREN. As I recollect, a portion of the money was paid over to the Jasper County committee down at Joplin for their campaign purposes in Jasper County, \$1,700.

Mr. HALLEY. That was \$1,700.

Mr. HENDREN. That is correct.

Mr. HALLEY. I believe they recorded it as a contribution from the State Democratic committee, is that correct?

Mr. HENDREN. That is what I have heard. I haven't seen how they recorded it. I haven't seen their report.

Mr. HALLEY. But that was your understanding, is that right?

Mr. HENDREN. That is what I have read in the papers, yes.

Mr. HALLEY. The amount never was recorded one way or another in the State campaign fund, is that right?

Mr. HENDREN. I don't believe so.

Mr. HALLEY. What happened to the other \$300?

Mr. HENDREN. Well, it was spent for miscellaneous expenses around headquarters, as I recollect it.

Mr. HALLEY. Did you or the State committee receive any other cash campaign contribution?

Mr. HENDREN. There was some cash contributions that came in; yes, sir. I don't remember any particular ones, small amounts.

Mr. HALLEY. What would you say would be the total?

Mr. HENDREN. I wouldn't want to guess. I would say three or four thousand dollars, but that would be purely a guess.

Mr. HALLEY. The committee has seen the record and for the most part they are very scrupulously kept.

Mr. HENDREN. Yes, sir.

Mr. HALLEY. The name of the donor recorded. But there was a batch of cash contributions, was there not, in about the sum of \$5,000?

Mr. HENDREN. Yes, sir.

Mr. HALLEY. And with no record whatsoever of the donor?

Mr. HENDREN. That is the best of my knowledge of it; yes, sir.

Mr. HALLEY. Do you know of any other gamblers who were contributing to the campaign?

Mr. HENDREN. No, not to my knowledge, Mr. Halley.

Mr. HALLEY. There has been some testimony in the committee's closed session by Mr. Noonan. Do you know Mr. Noonan?

Mr. HENDREN. Yes, I know Mr. Noonan.

Mr. HALLEY. And was he often present at the headquarters in Jefferson City?

Mr. HENDREN. I don't recollect that he was. I have seen him there a time or two.

Mr. HALLEY. He was a good friend of Governor Smith, wasn't he?

Mr. HENDREN. That is right.

Mr. HALLEY. And reputed to be close to him politically?

Mr. HENDREN. He is a friend of his. I don't know what you mean by reputed.

Mr. HALLEY. He campaigned very vigorously during the campaign.

Mr. HENDREN. He was for Mr. Smith; yes.

Mr. HALLEY. Mr. Noonan has testified, and he will be here again today, that he didn't personally receive the contributions, but that while he was at campaign headquarters some contributions came in, and he remembered in particular a \$500 campaign contribution from Bud Trolli. Do you know who Trolli is?

Mr. HENDREN. No, I don't.

Mr. HALLEY. He operated—he died, of course, in 1949—but he operated a policy wheel here in Kansas City, did he not?

Mr. HENDREN. I don't know Mr. Trolli. I never saw him in my life.

Mr. HALLEY. You never heard of him at all?

Mr. HENDREN. No, sir.

Mr. HALLEY. Do you know whether Trolli's name appears as a campaign contributor?

Mr. HENDREN. No, I don't, Mr. Halley.

The CHAIRMAN. As I remember, Mr. Noonan said that he got that money himself to pay on his own expenses, didn't he?

Mr. HALLEY. Yes, he is right here.

The CHAIRMAN. We will see.

Mr. HALLEY. Now, were you present during any conversations between Governor Smith and Binaggio leading up to the agreement of Binaggio to support Governor Smith?

Mr. HENDREN. No, I was not. I have been around. I think I was in the Phillips Hotel one time when Mr. Binaggio was there at headquarters, but I heard no conversations of the kind between them.

Mr. HALLEY. Was Binaggio originally, and from the start, for Smith, or was there a period during which it was uncertain whether Binaggio would support Governor Smith or not?

Mr. HENDREN. Really I thought he was for Mr. McKittrick. That was the supposition, that he was, early in the primary campaign.

Mr. HALLEY. And what in your opinion caused Binaggio to switch from McKittrick to Smith?

Mr. HENDREN. In my opinion I thought he thought Forrest Smith was going to win.

Mr. HALLEY. During what period in the campaign did he switch, can you fix the date?

Mr. HENDREN. I could not do that real accurately. It was in the early summer, perhaps late spring of 1948.

Mr. HALLEY. Up to that time, was any political leader in the Kansas City area supporting Mr. Smith?

Mr. HENDREN. I don't believe there was any known; just outstanding political leader, you mean?

Mr. HALLEY. Yes.

Mr. HENDREN. I don't believe there was.

Mr. HALLEY. Mr. Pendergast was against him, is that right?

Mr. HENDREN. That is correct.

Mr. HALLEY. And Mr. Binaggio appeared to be favoring McKittrick?

Mr. HENDREN. That was my understanding. I never talked to him about it.

Mr. HALLEY. Do you know whether or not Binaggio asked in return for his support any say in connection with the police department or the police commission in Kansas City?

Mr. HENDREN. I know nothing about that. I never heard of it except rumors—what I have seen in the papers.

Mr. HALLEY. I don't think I have any other questions now.

The CHAIRMAN. Mr. Hendren, at the time Mr. Shenker introduced Mr. Molasky to you in St. Louis, did you know who he was or what particular businesses he was in or anything about him?

Mr. HENDREN. No, I didn't, Senator. I never seen the man before in my life. He was introduced to me as a businessman in St. Louis. I didn't know him.

The CHAIRMAN. And you made no commitments about anything that would be done in return for his contribution?

Mr. HENDREN. I absolutely did not.

The CHAIRMAN. And this \$2,000 you got from him was turned over to Mr. Ragland in a special fund for the Governor?

Mr. HENDREN. That is correct.

The CHAIRMAN. The Governor's campaign.

Mr. HENDREN. That is correct.

The CHAIRMAN. That was of course during the primary, was it not?

Mr. HENDREN. I believe that was in the fall election, Senator.

The CHAIRMAN. After the primary?

Mr. HENDREN. Yes, sir.

The CHAIRMAN. Anyway, it was given to you to help the Governor and not for the general campaign.

Mr. HENDREN. That is correct.

The CHAIRMAN. And you say there were about five or six thousand dollars in addition to that?

Mr. HENDREN. I believe that total, about four or five thousand dollars total.

The CHAIRMAN. That includes the \$2,000?

Mr. HENDREN. Yes; including that.

The CHAIRMAN. That was collected in cash and put in this special fund for Governor Smith?

Mr. HENDREN. Yes, sir; that is correct.

The CHAIRMAN. And then do you know whether later on this fund or any part of this fund was turned over to the regular State Democratic fund, of which Mr. Edlund was treasurer?

Mr. HENDREN. I think there was a portion of it, yes, sir.

The CHAIRMAN. Mr. Edlund is a banker here in Kansas City or in Jefferson City?

Mr. HENDREN. Kansas City.

The CHAIRMAN. Did you make any commitment about any influence that Mr. Binaggio was going to have?

Mr. HENDREN. No; I never did.

The CHAIRMAN. You did see him two or three times around headquarters?

Mr. HENDREN. Yes, sir.

The CHAIRMAN. Here in Kansas City.

Mr. HENDREN. That is right.

The CHAIRMAN. Was there any meeting between you and Mr. Binaggio or you and the Governor and him, about making arrangements for him to support the Governor, offering him any promise of police protection or anything of that sort?

Mr. HENDREN. No; I was never present at any such meeting.

The CHAIRMAN. Have you ever held office yourself, Mr. Hendren?

Mr. HENDREN. No; I never have, Senator.

The CHAIRMAN. Except being chairman of the State executive committee?

Mr. HENDREN. State Democratic Committee.

The CHAIRMAN. Who is the present chairman?

Mr. HENDREN. Mr. Charles Hutting, from St. Louis.

The CHAIRMAN. You are engaging full time in the practice of law?

Mr. HENDREN. That is correct. In fact, my partner is being taken back in the service, and I have to devote all of my time to it.

The CHAIRMAN. That is all.

We are going to have Mr. Ragland, and I do not know if Mr. Edlund is here, Mr. Ragland knows all about the records. Would you stay for a few minutes until he testifies in case any matter comes up that we might also want to ask you about?

Mr. HENDREN. All right, sir. I will be very happy to.

The CHAIRMAN. You will stand aside now. You can sit over here.

Mr. Ragland, will you come around? Is Mr. Edlund here with you?

Mr. RAGLAND. I haven't seen him.

The CHAIRMAN. You solemnly swear, Mr. Ragland, the testimony you will give this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. RAGLAND. I do.

TESTIMONY OF B. E. RAGLAND, ASSISTANT TREASURER, MISSOURI STATE DEMOCRATIC COMMITTEE

Mr. HALLEY. Do you want to get your books up here so you can show us how they were kept?

Perhaps you better take them out of the brief case now, and move faster.

What is your position with the Democratic State committee?

Mr. RAGLAND. Assistant treasurer.

Mr. HALLEY. And where was your office during the campaign of 1948?

Mr. RAGLAND. Where do you mean, the general election?

Mr. HALLEY. First the primary and then the general election.

Mr. RAGLAND. Well, I was employed as chief clerk in the State auditor's office, and my office was there, and also I spent time at the headquarters of Governor Smith, in the primary, and also at Democratic headquarters of Jefferson City.

Mr. HALLEY. Did you have anything to do with the primary campaign?

Mr. RAGLAND. I did.

Mr. HALLEY. And did you keep the records of the primary campaign?

Mr. RAGLAND. I kept the funds of Governor Smith; yes.

Mr. HALLEY. Do you have the records here now of the primary campaign?

Mr. RAGLAND. I do.

Mr. HALLEY. Can you turn them over to the committee?

The CHAIRMAN. Who was treasurer of the primary campaign, you?

Mr. RAGLAND. Yes, sir.

The CHAIRMAN. Are these all of the records you turned over to us in executive session which Mr. White has examined?

Mr. RAGLAND. Yes, sir.

The CHAIRMAN. Let us get them out and see them again.

Mr. RAGLAND. Which ones do you want now?

Mr. HALLEY. The primary record.

Will you describe very briefly while you are pulling them out the system, how the records were kept?

You have, I see, a sheet marked "Exhibit No. 13" by the committee in executive session; is that right?

Mr. RAGLAND. That is right, sir.

(Exhibit No. 13 was returned to the witness after analysis by the committee.)

Mr. HALLEY. That is the employees' fund; is that right?

Mr. RAGLAND. That was known as the employees' fund; yes, sir.

Mr. HALLEY. May I pass that over to the chairman, and explain to him what the employees' fund was, and how it was kept?

Mr. RAGLAND. That was money collected from the employees for use of entertainment, flowers, various contributions, that the employees were called on to make, and that fund was handled by me, and in 1948 I believe the beginning of 1948, when Governor Smith started his campaign, he requested me to handle the campaign funds, and that those funds collected were put in that employees' fund.

Mr. HALLEY. You had a single bank account in which you kept the employees' fund and any campaign contributions?

Mr. RAGLAND. That is right.

Mr. HALLEY. Is that right.

Mr. RAGLAND. Yes.

Mr. HALLEY. And the employees' fund, that was not something you originated, was it?

Mr. RAGLAND. No, sir.

Mr. HALLEY. It had been a practice in the State auditor's office for many years?

Mr. RAGLAND. So far as I know, it had.

Mr. HALLEY. Each employee contributed 2 percent of his salary each month; is that correct?

Mr. RAGLAND. I believe there was 2 percent collected in 1948 and 1 percent of that was paid over to the State committee.

Mr. HALLEY. That was paid during the entire period of 1948; is that right?

Mr. RAGLAND. I think so; yes, sir.

Mr. HALLEY. Was that the practice before 1948?

Mr. RAGLAND. Well, I didn't start to handle this fund until, I believe it was I think it was in 1947. I think the first date on that control sheet will show when I took the fund.

The CHAIRMAN. May 27, 1947.

Mr. RAGLAND. I believe that is correct.

Mr. HALLEY. At this time was 1 percent, that is, half of the fund, turned over to the State committee?

Mr. RAGLAND. Yes, sir.

Mr. HALLEY. And you continued that practice.

Mr. RAGLAND. Yes, sir.

Mr. HALLEY. And the other 1 percent was kept for buying flowers, for picnics, and any other thing?

Mr. RAGLAND. Entertainment.

Mr. HALLEY. That might come up?

Mr. RAGLAND. Yes, sir.

Mr. HALLEY. Then when the primary campaign started, you simply took whatever was in the employees' fund and you used it for the primary; is that right?

Mr. RAGLAND. In addition to what was contributed by various individuals.

Mr. HALLEY. First how much was left in the employees' fund when the primary campaign started?

Mr. RAGLAND. I don't recall.

Mr. HALLEY. Something like \$500, wasn't it?

Mr. RAGLAND. I don't know. I would have to look at this.

The CHAIRMAN. You have an "x" mark, a red mark at the time that the primary started. I think that designates the time.

Mr. RAGLAND. That was the first of the year, of 1948.

Mr. HALLEY. Would it be something in the nature of five or six hundred dollars, do you recall?

Mr. RAGLAND. I would have to check these figures. I don't just recall how much was in there. I would have to check them.

Mr. HALLEY. It wouldn't be anything like five or six thousand dollars, would it?

Mr. RAGLAND. No, sir.

Mr. HALLEY. The fund never got to be that big?

Mr. RAGLAND. No, sir.

Mr. HALLEY. It was something in the hundreds; is that right?

Mr. RAGLAND. That is right.

Mr. HALLEY. Whatever the balance was, you turned it over; is that correct?

Mr. RAGLAND. Well, there was not any turn-over, it was just continued in that fund and just kept.

Mr. HALLEY. If you testified to a figure of five or six hundred dollars at the executive sessions, would that be correct?

The CHAIRMAN. Let him examine it and see if he can figure out what it is.

Mr. HALLEY. Can you check now? Would it help to look at the account for the primaries when you set that up?

Mr. RAGLAND. At the end of the quarter, let me see here.

Mr. HALLEY. At the end of the quarter, you had \$695, didn't you?

Mr. RAGLAND. That was the collections. I was checking here, Mr. Halley. It started here with a balance of the fourth quarter of 1947 of \$1,058 and I would say that there was five or six hundred dollars, the balance there.

Mr. HALLEY. Then you added to that whatever was received in the form of contributions for the primary?

Mr. RAGLAND. That is right, plus the assessment from the employees.

Mr. HALLEY. What is the assessment from the employees?

Mr. RAGLAND. Two percent.

Mr. HALLEY. Two percent?

Mr. RAGLAND. Yes.

Mr. HALLEY. Was there something about 2 weeks' salary from every employee?

Mr. RAGLAND. No, each employee voluntarily gave, I believe, one-half of 1 month's salary for the Governor's fund.

Mr. HALLEY. What was that for, the election campaign?

Mr. RAGLAND. The campaign, yes, sir.

Mr. HALLEY. Not the primary.

Mr. RAGLAND. That was the primary.

Mr. HALLEY. For the primary each employee gave one-half of 1 month's salary?

Mr. RAGLAND. Not all of them.

Mr. HALLEY. Voluntarily?

Mr. RAGLAND. Not all of them. I would say the majority of them did. It was all a voluntary contribution. Some of them—let us check on that list of the contributors here. I note some items there of \$25, \$50, that I know was not half of their month's salary.

Mr. HALLEY. At the end of the primary campaign there was some money left in the fund, is that right?

Mr. RAGLAND. Yes, sir. There is still some money.

Mr. HALLEY. What did you do with the money that was left in the fund at the end of the primary campaign?

Mr. RAGLAND. It is still in there.

Mr. HALLEY. Didn't you turn the balance over to the State committee for the general election?

Mr. RAGLAND. No, sir; not out of that fund.

Mr. HALLEY. You retained that right in the fund?

Mr. RAGLAND. Yes, sir.

Mr. HALLEY. Did you continue to turn over to the State committee the 1 percent?

Mr. RAGLAND. Yes, sir.

Mr. HALLEY. Through the primary period?

Mr. RAGLAND. Yes, sir.

Mr. HALLEY. Through the primary?

Mr. RAGLAND. Yes, the last turn-over to the committee was for the third quarter of 1948. There was no collection made on the fourth quarter. After the election there was no assessment made for the last quarter of 1948.

Mr. HALLEY. Mr. Chairman, I have here exhibit No. 14, offered in evidence at the executive session, and I offer it here now.

The CHAIRMAN. Let them be received and made a part of the record.

(The records identified as exhibit No. 14 were returned to the witness after analysis by the committee.)

The CHAIRMAN. Mr. Ragland, these are your original records, and we can arrange with you to have photostats made of any of them we want?

Mr. RAGLAND. Yes, sir.

Mr. HALLEY. May we turn them over to Mr. White now so he can see if they are the records he made originally? Then we get to the general election campaign; is that right?

Mr. RAGLAND. These are the canceled checks.

The CHAIRMAN. Before we get to the general election campaign, may I ask one or two questions?

I understand, Mr. Ragland, that before you took over this flower fund was handled by Mr. A. T. Broughton; is that right?

Mr. RAGLAND. Mr. Broughton and Mr. John Purdue are the men who handled the fund.

The CHAIRMAN. I notice the first entry is A. T. Broughton, May 27, 1947, \$502.40.

Mr. RAGLAND. It was a joint account, A. T. Broughton and John Purdue. Mr. Purdue was ill, so Mr. Broughton signed the checks.

The CHAIRMAN. These were some of the employees in what division?

Mr. RAGLAND. The State auditor's office.

The CHAIRMAN. Making contributions to a fund for the purpose of flowers and picnics and things of that sort; is that correct?

Mr. RAGLAND. Yes, sir.

The CHAIRMAN. Then apparently about the time—when did the primary campaign start?

Mr. RAGLAND. I assume it started the first of the year. There wasn't any definite date set for starting it.

The CHAIRMAN. About the first of January 1948. At that time you had, as I figure it here, about five or six hundred dollars in the fund at that time.

Mr. RAGLAND. Probably so.

The CHAIRMAN. It doesn't seem to me that this flower fund should have been turned into the campaign fund, Mr. Ragland. Of course, I concede that the amount is not large, five or six hundred dollars, but one was collected for one purpose and the other money was collected for another purpose. Is that generally all right with the employees around there who had been making these contributions?

Mr. RAGLAND. I think it was. They were all interested in Mr. Smith being elected Governor, because those contributions of a half-month salary he knew nothing about being solicited. A group of employees suggested it would be a fine gesture for every one to contribute a half-month's salary in addition to what they had contributed.

The CHAIRMAN. Was there any compulsion to require them to do so?

Mr. RAGLAND. No, sir; because some of them didn't contribute.

The CHAIRMAN. It was whether they wanted to or not. It wasn't taken out of their pay.

Mr. RAGLAND. Oh, no. It was all paid. If you notice there on the list I showed whether it was paid by check or cash. Some were money orders.

The CHAIRMAN. Yes, your records on this are very complete, cash or check or money orders.

You have examined this exhibit No. 14, have you, Mr. White?

Mr. WHITE. Yes.

The CHAIRMAN. All right, Mr. Halley. Do you want to get to the other campaign items?

Mr. RAGLAND. Pardon me. Will you keep these in that one envelope, Mr. White?

Mr. HALLEY. Now will you produce the records for the general campaign? I will ask the question: In general, would you say that you have three different sets of records, first the formal record of the Democratic State committee funds which were used throughout the campaign in 1948 for all candidates. Would that be the first class of records you have?

Mr. RAGLAND. Yes.

Mr. HALLEY. Then you have a record called the Forrest Smith for Governor fund, is that right?

Mr. RAGLAND. Forrest Smith for Governor Club. That was CIO money contributed for the use of the Governor or other State candidates. I have a letter here from Mr. Davis, who instructed that that money could not be used for any Federal candidate. Therefore, that money was used for Forrest Smith for Governor and the State candidates club.

Mr. HALLEY. You kept that segregated so it could not be used for Federal candidates, is that right?

Mr. RAGLAND. That is correct.

Mr. HALLEY. Then you had a third, an informal record which consisted I believe of one sheet of paper, is that right?

Mr. RAGLAND. Yes, sir.

Mr. HALLEY. Have you got that here to produce for the committee?

Mr. RAGLAND. I have.

Mr. HALLEY. What is this informal record that we have here entitled "special fund"?

Mr. RAGLAND. That is money that was given me with instructions that it was not State committee money. I was to hold that until I was instructed to dispose of it or pay it over to whoever was designated.

Mr. HALLEY. The first item on that is J. J. Price.

Mr. RAGLAND. That is right.

Mr. HALLEY. And the date is September 25, 1948, and the amount is \$5,000.

Mr. RAGLAND. That is right.

Mr. HALLEY. Would you state to the committee what that item is?

Mr. RAGLAND. That is money given me by Mr. Hendren.

Mr. HALLEY. In cash?

Mr. RAGLAND. In cash; yes, sir.

Mr. HALLEY. The name J. J. Price—is that a real or fictitious name?

Mr. RAGLAND. A fictitious name.

Mr. HALLEY. That item covered a batch of cash money from miscellaneous sources so far as you understood?

Mr. RAGLAND. That is right.

Mr. HALLEY. Did you ever make any effort to ascertain who had contributed that \$5,000?

Mr. RAGLAND. No, sir.

Mr. HALLEY. How much in total went into that fund?

Mr. RAGLAND. There was \$10,385.50.

Mr. HALLEY. I notice that you have another J. J. Price item on September 27, 1948, of \$500.

Mr. RAGLAND. That is right.

Mr. HALLEY. And another J. J. Price item of \$735.50 on October 12, 1948.

Mr. RAGLAND. Yes, sir.

Mr. HALLEY. Were they also cash contributions?

Mr. RAGLAND. That is right.

Mr. HALLEY. From anonymous people, or at least people whose names you don't know, is that right?

Mr. RAGLAND. That is right.

Mr. HALLEY. On all of the other contributions in that fund are you able to state that you definitely know who made contributions and what they are?

Mr. RAGLAND. This record gives their names and the amounts. I am not personally acquainted with those people. The money was handed to me. If someone's name was on there I listed that. I kept this record for my own information to show how much was received and how much was disbursed. Wherever I could show who contributed, I put it on that sheet.

Mr. HALLEY. You knew at the time you wrote J. J. Price it was fictitious; is that right?

Mr. RAGLAND. That is right.

The CHAIRMAN. Was J. J. Price money that Mr. Hendren would turn over to you?

Mr. RAGLAND. Yes, sir.

Mr. HALLEY. When you wrote the other names on it did you know whether or not they were fictitious?

Mr. RAGLAND. No; I didn't know that. In fact, if I received contributions even for the State committee, if someone would hand me some money with someone's name on it, I accepted it and wrote a receipt for it. I didn't know whether they were fictitious names or not.

Mr. HALLEY. The point is that in the case of J. J. Price then you knew it was fictitious?

Mr. RAGLAND. I did; yes, sir. I used that name just to have a name down there.

Mr. HALLEY. Yes. Was there any other that you knew was fictitious?

Mr. RAGLAND. No, sir.

Mr. HALLEY. The others were names that were given to you and you accepted in good faith?

Mr. RAGLAND. That is right, sir.

Mr. HALLEY. What were the funds used for in this special fund? How did they go out? Will you go down the list of disbursements and show us?

Mr. RAGLAND. Do you want me to read all of them?

Mr. HALLEY. Just what they were.

Mr. RAGLAND. They were for petty cash.

Mr. HALLEY. Then Mr. Hendren receives \$200.

Mr. RAGLAND. That is right.

Mr. HALLEY. Personal expenses, I presume?

Mr. RAGLAND. I imagine so. Here is \$500 for radio to Walker Lebreunre. He was chairman of the Buchanan County committee.

Mr. HALLEY. There is another \$400 to Mr. Hendren.

Mr. RAGLAND. Petty cash \$400.

Mr. HALLEY. Petty cash \$400. Some more office expense?

Mr. RAGLAND. These others were people who were working in the campaign, John Dalton, Charlie Taylor, Ed Long.

Mr. HALLEY. They received \$100 each for campaign expenses.

Mr. RAGLAND. That is right, and Homer Miller, \$1,700. That was the \$1,700 that went to Jasper County.

Mr. HALLEY. How can you say that was specifically taken out of the Molasky \$2,000?

Mr. RAGLAND. I can't say it was specifically taken out of that.

Mr. HALLEY. It is just \$1,700 out of this special fund, is that right?

Mr. RAGLAND. That is right.

Mr. HALLEY. From Mr. Hendren we know that the \$2,000 from Mr. Molasky was from the \$5,000 which appears as the first item.

Mr. RAGLAND. That is right. Out of that total I gave you, \$4,600 was transferred to the bank account of the State committee.

Mr. HALLEY. At what time was that done? Toward the end of the campaign?

Mr. RAGLAND. I think so; yes, sir.

Mr. HALLEY. In other words, whatever balance there was in the fund at the end of the year's campaign was turned over to the State committee?

Mr. RAGLAND. That is right.

Mr. HALLEY. That was \$4,500.

Mr. RAGLAND. Yes, sir.

Mr. HALLEY. I offer in evidence exhibit No. 15.

The CHAIRMAN. It will be received and made a part of the record. (The documents referred to were returned to the witness after analysis by the committee.)

Mr. HALLEY. Then you have the Democratic State Committee records, is that right?

Mr. RAGLAND. Yes, sir.

Mr. HALLEY. Will you explain to the committee your system of keeping the record, your system of keeping receipt books, and such so that the chairman will have it all before him again?

Mr. RAGLAND. I will start with the first one. These receipt books were made in duplicate. All money received, the contributor received the original receipt and the duplicate remained in the book. The amounts shown received are entered on the cash control record. I also made an index card for each contributor as shown on the receipts. This cash control record shows all receipts and all disbursements.

Mr. HALLEY. In each case you have the name of the person whom you were told made the contribution, is that right?

Mr. RAGLAND. That is correct.

Mr. HALLEY. These records were all taken into evidence, were they not, before the committee?

Mr. RAGLAND. Yes.

Mr. HALLEY. I would like now to batch them as exhibit No. 16, the receipt books and the records.

The CHAIRMAN. They will be made a part of the record but we will have to work out some arrangements so they may be kept in Edlund's or Mr. Ragland's possession.

Mr. HALLEY. I want them identified so that Mr. White can look at them and refer to a specific exhibit.

The CHAIRMAN. Let them be identified for that purpose.

(Exhibit No. 16 was returned to the witness after analysis by the committee.)

Mr. HALLEY. That is exhibit No. 16. Why don't we keep them in the envelopes. Put them right on top of the envelopes and Mr. White can look at them right now.

What is the card index?

Mr. RAGLAND. That is just the information taken off the receipt books for quick reference. If you wanted to know if any certain person had made a contribution, instead of running through numerous receipts, you could look in the index.

Mr. HALLEY. In other words, you have an alphabetical card index.

Mr. RAGLAND. That is right.

Mr. HALLEY. Carrying the same information the receipts carry.

Mr. RAGLAND. That is right. You can take any of these receipts here, and it shows the man's name, the date, and the receipt number, and the amount contributed.

The CHAIRMAN. Then that receipt number refers back to the duplicate here?

Mr. RAGLAND. Yes, sir; in the book.

Mr. HALLEY. Mr. Chairman, at the executive session, it is my impression that you examined these card indexes yourself, and made at least enough of a check to see that they did jibe with the receipt book. I don't see any particular point in putting the card index in evidence.

The CHAIRMAN. We examined a number of them. We asked Mr. White to examine all of them and I understand that he has. That is right. I do not think we need to include those.

Mr. HALLEY. They are just secondary. The Forrest Smith for Governor fund, that is the same as the State Candidates Club, is that right?

Mr. RAGLAND. No, sir.

Mr. HALLEY. It is not?

The CHAIRMAN. Before you get to that next fund, I understood from Mr. Edlund that a campaign was put on for \$5 contributions, or something of that sort, and some pin was given out, some certificate.

Mr. RAGLAND. A card.

The CHAIRMAN. A card.

Mr. RAGLAND. A card; yes, sir.

The CHAIRMAN. Does that represent a substantial or large part of the general campaign fund?

Mr. RAGLAND. None of that is represented in this fund. That started after the general election in 1948.

The CHAIRMAN. I see.

Mr. RAGLAND. That is in the current, what we call the current funds now.

The CHAIRMAN. These records come up through, though, the general election campaign of 1948?

Mr. RAGLAND. Yes, sir, but the \$5 membership card which produced about \$50,000 was after the 1948 general campaign up to the present time.

The CHAIRMAN. All right.

Mr. HALLEY. Will you go ahead with the Smith for Governor Club?

Mr. RAGLAND. This is the Smith for Governor Club control sheet. It shows the receipts and disbursements after the primary.

Mr. HALLEY. I take it we are only talking about the general election?

Mr. RAGLAND. That is right.

Mr. HALLEY. We finished the primary?

Mr. RAGLAND. That is right.

Mr. HALLEY. And where did these funds come from?

Mr. RAGLAND. These contributions, I would say the majority of them were union money, or CIO funds.

Mr. HALLEY. What was the rest of the money? Where did the rest of it come from?

Mr. RAGLAND. There was individual's names there, like for instance, here is Thomas E. Audit, \$100. I don't know whether he was a union man or not.

Mr. HALLEY. What would be the reason for including some funds from individuals?

Mr. RAGLAND. Well, I think this fund was turned over to me and said it was all union money, I assumed it was, but as I say, I don't know, where I show here that a certain local, like United Steel, Local 1963, \$65. I assume that is a union, CIO. Thomas E. Audit, I don't know whether he is union or not.

Mr. HALLEY. Would it be accurate to say that these funds were used in the campaign for Forrest Smith personally up to the legal limit of the amount that could be spent for him, and the balance was then turned over to the State committee, but to be used only for State candidates and not for Federal candidates, is that correct?

Mr. RAGLAND. Yes, sir; that is, the balance was put in the State Candidates Club.

Mr. HALLEY. How much of the Smith for Governor fund was spent for the Smith campaign?

Mr. RAGLAND. Do you mean, how is that now? Repeat your question.

Mr. HALLEY. First, what was the total amount in the Smith for Governor Club?

Mr. RAGLAND. The total amount was \$14,084.89. However, I think only \$13,565.25 was spent for the election. The balance was spent after the election.

Mr. HALLEY. How much of that money was spent in the Smith campaign?

Mr. RAGLAND. Well, I assume it was all spent.

Mr. HALLEY. Some was turned over to that State Candidates Club, wasn't it?

Mr. RAGLAND. Yes, sir; that is in this fund.

Mr. HALLEY. But it came out of this fund?

Mr. RAGLAND. No, no. No, sir; it never was in this.

Mr. HALLEY. A separate fund?

Mr. RAGLAND. No.

Mr. HALLEY. You just never put it in it?

Mr. RAGLAND. That is right.

Mr. HALLEY. Then everything in the funds we are now talking about, which is the Forrest Smith for Governor Club, was expended in his campaign, except about \$1,000, which was expended after the election?

Mr. RAGLAND. That is right.

Mr. HALLEY. And it was primarily from union sources?

Mr. RAGLAND. Yes.

The CHAIRMAN. From local union sources in the State?

Mr. RAGLAND. CIO. I don't think there is any A. F. of L. shown on here. Most of them are united CIO locals.

The CHAIRMAN. All right, sir.

Mr. HALLEY. May we take this entire Forrest Smith for Governor record, and turn it over to Mr. White as the next exhibit No. 17.

The CHAIRMAN. It will be received.

(The document referred to was returned to the witness after analysis by the committee.)

Mr. HALLEY. Then we have the State Candidates Club. Is this also funds contributed by the various unions?

Mr. RAGLAND. Yes.

Mr. HALLEY. And this fund was created to absorb moneys after you had spent the legal limit for Forrest Smith's campaign, is that right?

Mr. RAGLAND. That is correct.

Mr. HALLEY. And you wrote to the CIO and got permission. To whom did you write?

Mr. RAGLAND. Well, let's see that letter, Mr. Davis' letter. We didn't write. They wrote us.

Mr. HALLEY. You must have spoken to them about it.

The CHAIRMAN. He said to use it either for the Governor or for purely State races.

Mr. RAGLAND. Here it is. Mr. James Davis.

Mr. HALLEY. It is a letter in effect authorizing the use of the funds either for the Governor's personal campaign or for any State office, providing you didn't spend it for anybody running for any Federal office.

Mr. RAGLAND. That is right.

Mr. HALLEY. How much went into the State Candidates Club?

Mr. RAGLAND. \$4,411.

Mr. HALLEY. Was that handled through the State committee? How was it disbursed?

Mr. RAGLAND. Well, it was all disbursed by check to the State committee.

Mr. HALLEY. I offer in evidence the documents relating to the State Candidates Club as exhibit No. 18.

The CHAIRMAN. Let it be received and made a part of the record.

Mr. HALLEY. We will turn it over to Mr. White to look at now.

(The documents referred to were returned to the witness after analysis by the committee.)

Mr. HALLEY. There are no further questions, Mr. Chairman.

The CHAIRMAN. Is Mr. Edlund still the treasurer?

Mr. RAGLAND. No, sir.

The CHAIRMAN. He is not the treasurer now?

Mr. RAGLAND. No, sir.

The CHAIRMAN. Are you still the assistant treasurer?

Mr. RAGLAND. No, sir.

The CHAIRMAN. When did Mr. Edlund and you go out?

Mr. RAGLAND. I believe September 12, when the committee was reorganized.

The CHAIRMAN. So these records really belong to the new treasurer, is that correct?

Mr. RAGLAND. We feel like they belong to the old treasurer. They are his records and I, of course—I guess they are part of the State committee records, but we are kind of hanging on to them.

The CHAIRMAN. We asked you to hang on to them, so you are following our instructions about the matter.

Mr. RAGLAND. Yes, sir.

The CHAIRMAN. Who is the new treasurer?

Mr. RAGLAND. J. Howard Hannah.

The CHAIRMAN. Mr. Edlund testified, and I think you testified that he knew about all of these funds except this cash one of about \$10,000 which included the Molasky money, is that correct?

Mr. RAGLAND. Yes, sir.

The CHAIRMAN. You kept that on your own and didn't tell Mr. Edlund about it?

Mr. RAGLAND. No, sir, because I was instructed to keep that separate. It was not part of the State committee money. So therefore I did not enter it in the State committee funds.

The CHAIRMAN. I am not sure whether he testified he knew about this flower fund which you had or not. Do you know?

Mr. RAGLAND. I doubt if he knew anything about it, because he was not familiar with the auditor's office.

The CHAIRMAN. So that was separate and apart from his work as treasurer of the committee?

Mr. RAGLAND. That is correct.

The CHAIRMAN. The other funds that the Democratic campaign fund proper, and then the Smith for Governor Fund, and the Democratic candidates funds, that were kept by you and then the proceeds eventually turned over to him or some part of it, or were those kept by Mr. Edlund?

Mr. RAGLAND. No, he never kept any of the records.

The CHAIRMAN. I mean, did he have jurisdiction over these special funds that we have, this CIO money?

Mr. RAGLAND. Well, I believe he was treasurer, he was treasurer of that State candidates club.

The CHAIRMAN. Yes.

Mr. RAGLAND. Also the State Democratic committee, he made the report to the State Democratic committee, and the State candidates club, however, I kept the record. He never handled any of the money.

The CHAIRMAN. Mr. Ragland, in these records here, do you know of any contributions or have you found any contributions, big contributions, from racketeers or gamblers that have come to your attention?

Mr. RAGLAND. No, sir. I think the largest contribution we had was \$5,000 from the Democratic National Committee.

The CHAIRMAN. So if there were any, you didn't recognize the names?

Mr. RAGLAND. No, sir.

The CHAIRMAN. And you truly recorded on the duplicate sheets and on the card indexes all of the campaign funds that were sent in?

Mr. RAGLAND. Yes, sir.

The CHAIRMAN. That is all of Mr. Ragland.

Mr. HALLEY. Yes.

The CHAIRMAN. Has Mr. Edlund come in? I do not know if we asked him to come in. He testified at great length before the committee in executive session that he is vice president or an officer of a bank here, and that his testimony is the same as Mr. Ragland's. For information to the public, Mr. Edlund's testimony in executive session will be made public if anybody wants to see it at this time.

Mr. Ragland kept the records, but Edlund was the titular treasurer, but you kept the records.

Mr. RAGLAND. That is right.

The CHAIRMAN. So he just held office and you did the work. That is all right now, Mr. Ragland.

Mr. White, will you come around?

The CHAIRMAN. Mr. White, do you solemnly swear the testimony you will give this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. WHITE. I do.

The CHAIRMAN. The committee doesn't like ever to put a member of its own staff on the stand to prove anything, and this is the first time I think we have ever done it, but the situation is, I believe, that all these records were turned over to Mr. White for his perusal and examination so I think to get the record straight we should ask Mr. White what he has found out in the records. So you ask him, Mr. Halley.

TESTIMONY OF GEORGE H. WHITE, INVESTIGATOR, SPECIAL COMMITTEE TO INVESTIGATE ORGANIZED CRIME IN INTERSTATE COMMERCE, UNITED STATES SENATE

Mr. HALLEY. You are a member of the staff of this committee.

Mr. WHITE. My name is George H. White and I am an investigator for this committee.

Mr. HALLEY. You were with this committee in Kansas City when it held executive hearings here in July?

Mr. WHITE. Yes, sir.

Mr. HALLEY. You were present when Mr. Ragland and Mr. Edlund testified?

Mr. WHITE. Yes, sir.

Mr. HALLEY. Were the records then produced by Mr. Ragland turned over to you?

Mr. WHITE. Yes, sir.

Mr. HALLEY. Were they in your possession for a period of time?

Mr. WHITE. Yes, sir.

Mr. HALLEY. You had a full opportunity to inspect them?

Mr. WHITE. I did.

Mr. HALLEY. You did inspect them in the course of your duties, is that right?

Mr. WHITE. I made a thorough inspection of all the records with particular reference to the names. I did not make an audit of the accounts. I was interested primarily in the names of the contributors, and from my examination of those records I did not see thereon any name known to me to be that of a criminal or hoodlum or gangster or gambler or underworld character.

Mr. HALLEY. While perusing the records, did you note whether or not the record as described by Mr. Ragland were accurately described? In other words, was his description of the system and the contents of the records accurate?

Mr. WHITE. His description of the records was accurate and I did make a spot check, receipts against the card index, as close a check as I could, to make sure that the system was as described by Mr. Ragland.

Mr. HALLEY. Eventually you returned the records to Mr. Ragland?

Mr. WHITE. The records remained in my possession from the time Mr. Ragland produced them before the committee until approximately a month later, at which time I returned them to Mr. Ragland.

Mr. HALLEY. At the time you returned them, were you satisfied with the check you had made?

Mr. WHITE. I was.

Mr. HALLEY. No further questions.

The CHAIRMAN. How about this J. J. Price item?

Mr. WHITE. I asked Mr. Ragland who J. J. Price was, and Mr. Ragland told me that that was a fictitious name to cover moneys handed to him by Mr. Hendren, and at the instructions of Mr. Hendren he had used the name J. J. Price, that he did not inquire of Mr. Hendren the identity of the persons who contributed the money which was listed as J. J. Price, and had no knowledge whatsoever concerning the money. He did not know where it came from and merely put it in the cash account which was kept in the office safe.

The CHAIRMAN. As I understand it, the name J. J. Price as the donor appears only in the cash account amounting to about \$10,000 that was kept by Mr. Ragland?

Mr. WHITE. That is correct.

The CHAIRMAN. Do you find any J. J. Price in the general records?

Mr. WHITE. I did not.

The CHAIRMAN. Did you go through all of them, all the contributions?

Mr. WHITE. I did.

The CHAIRMAN. You know the names, I take it, pretty generally of the criminal element in the State of Missouri?

Mr. WHITE. I do, sir.

The CHAIRMAN. I guess that is all, unless there are some other questions.

Mr. HALLEY. No further questions.

The CHAIRMAN. Thank you, Mr. White.

I think you can leave, Mr. Hendren and Mr. Ragland.

Mr. HALLEY. Thank you very much. Mr. Ragland, you may take the records, but you keep them. Maybe you had better let us have them for a couple of days, since the records have been made a part of the record, in case any of the men of the press want to examine them. They should have an opportunity to do that. We will get them back to you in a couple of days.

Mr. Noonan, will you come around?

The CHAIRMAN. Mr. Noonan, do you swear the testimony you will give this committee will be the truth and nothing but the truth, so help you God?

Mr. NOONAN. I do.

The CHAIRMAN. The committee will have a 5-minute recess before proceeding further.

(Brief recess.)

The CHAIRMAN. All right, Mr. Noonan, will you come around?

TESTIMONY OF JOHN K. NOONAN, KANSAS CITY, MO.

Mr. HALLEY. What is your full name and address?

Mr. NOONAN. John K. Noonan, 3021 Benton Boulevard, Kansas City.

Mr. HALLEY. What is your occupation?

Mr. NOONAN. I am an engineer, construction work. I represent the Aetna Casualty Co., contractor, and official bonds.

Mr. HALLEY. Could you try to talk up a little louder?

Mr. NOONAN. The Aetna Casualty Co.

Mr. HALLEY. You have been in the construction business, too?

Mr. NOONAN. Yes, sir.

Mr. HALLEY. Were you ever in the Ace Sales Co.?

Mr. NOONAN. Yes.

Mr. HALLEY. What was that company?

Mr. NOONAN. I was with that company to buy—

The CHAIRMAN. You will have to talk louder. Pull that microphone over there.

Mr. NOONAN. All right, sir. It was a company organized to buy and sell surplus Government equipment, contractor's equipment.

Mr. HALLEY. When was it organized, do you recall?

Mr. NOONAN. I think around 1945.

Mr. HALLEY. About 1945. How long were you in the company?

Mr. NOONAN. I believe I was in it about a year, maybe not that long.

Mr. HALLEY. Who were your partners in the Ace Sales Co.?

Mr. NOONAN. When I went in, it was Ralph Spitzcaufsky. I don't know at that time, but right about that time he had Charlie Binaggio and Klein and Eddie Spitz, who is a relative of his.

Mr. HALLEY. Spitz, Klein, Binaggio, and Spitscaufsky.

Mr. NOONAN. Yes.

Mr. HALLEY. The nature of the business was buying and selling surplus; is that right?

Mr. NOONAN. Government surplus; yes.

Mr. HALLEY. Back around 1930 were you indicted on a liquor charge?

Mr. NOONAN. I was indicted; yes.

Mr. HALLEY. You were not convicted?

Mr. NOONAN. No, sir.

Mr. HALLEY. Was Charlie Binaggio indicted with that group?

Mr. NOONAN. Yes.

Mr. HALLEY. With you?

Mr. NOONAN. Yes.

Mr. HALLEY. He also was not convicted at that time?

Mr. NOONAN. No.

The CHAIRMAN. There were about 40 people who were indicted at the same time?

Mr. NOONAN. I believe there were 47, sir, if I remember.

Mr. HALLEY. You have known Charlie Binaggio over 20 years?

Mr. NOONAN. That is right.

Mr. HALLEY. Have you been pretty good friends?

Mr. NOONAN. Well, friends. I knew him.

Mr. HALLEY. Did you know what his business was during that period?

Mr. NOONAN. I knew to a certain extent especially recently. He did some gambling. I didn't know anything about his business. He never talked about his business.

Mr. HALLEY. He made no secret of the fact that he was in the gambling business, did he?

Mr. NOONAN. No. I think, if I remember, that was in recent years.

Mr. HALLEY. In 1946 and 1947?

Mr. NOONAN. Some place like that, yes, in the late forties.

Mr. HALLEY. Do you hold any political office or official position whatsoever?

Mr. NOONAN. None.

Mr. HALLEY. You have been pretty active in politics, though, haven't you?

Mr. NOONAN. Yes, I have.

Mr. HALLEY. For how long?

Mr. NOONAN. Since about 1924, in State politics.

Mr. HALLEY. What was your position during the 1948 campaign? Who did you support?

Mr. NOONAN. I supported—you mean for Governor?

Mr. HALLEY. Yes.

Mr. NOONAN. I supported Forrest Smith.

Mr. HALLEY. Is he also an old friend of yours?

Mr. NOONAN. Yes. I supported him since 1928, for some State office every 4 years.

Mr. HALLEY. You have always been a strong personal supporter of Forrest Smith?

Mr. NOONAN. That is right.

Mr. HALLEY. What was your activity during the 1948 campaign, first the primary campaign and then the general campaign?

Mr. NOONAN. About the same as it has been for years, organizing out over the State, all different places, purely organizational work, trying to get votes for different leaders and the different groups.

Mr. HALLEY. You would go to various clubs and talk to the leaders about how they should operate?

Mr. NOONAN. Wards, towns, wherever there were quite a few votes, I would generally try to go in and talk to them and sell them my candidate.

Mr. HALLEY. You were a good salesman for a candidate, is that right?

Mr. NOONAN. I will have to leave that to them.

Mr. HALLEY. You could go into a club and get them to see that they ought to be supporting your man and you made friends easily and people liked you; is that right?

Mr. NOONAN. Well, I imagine. I did pretty fair with it.

Mr. HALLEY. During the 1948 campaign you traveled all over the State on behalf of Forrest Smith, is that right?

Mr. NOONAN. That is right.

Mr. HALLEY. Who paid your expenses during that period?

Mr. NOONAN. It was paid by different ones. Different people paid my expenses. I paid some of them myself.

Mr. HALLEY. Who else paid them?

Mr. NOONAN. The Kansas City organization paid them.

Mr. HALLEY. By the Kansas City organization do you mean Binaggio's Fifteenth Street Club?

Mr. NOONAN. I imagine that is where most of the money came from. You see, at that time the Kansas City organization consisted of about four or five different factions. They were all together in getting up the campaign funds.

Mr. HALLEY. Jim Pendergast wasn't paying any of your expenses, was he?

Mr. NOONAN. No.

Mr. HALLEY. You were getting your expenses paid by the Fifteenth Street Club?

Mr. NOONAN. By the Smith people, yes.

Mr. HALLEY. You received actual cash money from Binaggio?

Mr. NOONAN. No.

Mr. HALLEY. How would you handle it?

Mr. NOONAN. The Binaggio people paid, for instance, the hotel bills and things like that.

Mr. HALLEY. You would submit your hotel bills to the Binaggio organization, is that right?

Mr. NOONAN. No. They would pay them at the place. They would meet me maybe.

Mr. HALLEY. Directly?

Mr. NOONAN. Yes.

Mr. HALLEY. You traveled a fairly large amount with Binaggio himself, is that right?

Mr. NOONAN. Well, some, yes, not so much. In the State, Kansas City and St. Louis and here, not all in the rural State.

Mr. HALLEY. How often would you say you did go to St. Louis with Binaggio?

Mr. NOONAN. Well, going with him, and meeting him there if I remember correctly, I didn't go with him up there, maybe only once or twice, but I met him at different times there.

Mr. HALLEY. A very substantial number of times, would you say?

Mr. NOONAN. I would say I met him—during the primary and the election now, you mean?

Mr. HALLEY. Yes.

Mr. NOONAN. I imagine six or seven times.

Mr. HALLEY. Now, who did you see in St. Louis? Who were you talking to about getting support for Forrest Smith?

Mr. NOONAN. Most everybody that is interested in politics, ward leaders, all 28 wards in the city of St. Louis.

Mr. HALLEY. You tried to cover the entire city, is that right?

Mr. NOONAN. I did cover the entire city.

Mr. HALLEY. Do you know whether Gregory Moore was active on behalf of Forrest Smith?

Mr. NOONAN. I don't know how active he was. He was at some of the Smith meetings.

Mr. HALLEY. He was for Smith, is that right?

Mr. NOONAN. Yes, I understand he was for Smith. He was at the meetings, so I imagine he was for Smith.

Mr. HALLEY. Did you know at the time that he was a partner in the Hyde Park Gambling Club?

Mr. NOONAN. No, I didn't know anything about any of those gamblings.

Mr. HALLEY. You had no knowledge of that?

Mr. NOONAN. No.

Mr. HALLEY. Buster Wortman was also present at the meetings and supported Smith, is that right?

Mr. NOONAN. Yes, he was there. I have seen him, I think, maybe once or something like that. I remember the name. I remember more since I have been talking to you people.

Mr. HALLEY. Wortman was not even a resident of Missouri, was he?

Mr. NOONAN. I don't know.

Mr. HALLEY. He lived across the river.

Mr. NOONAN. I haven't the least idea where he lived.

Mr. HALLEY. What would be the interest of somebody like Wortman in supporting a campaign?

Mr. NOONAN. I wouldn't know, and I don't even know whether the supported it or not. I know he was at some of those meetings that went on. You see, I don't know him. You meet these different people there every 2 years.

Mr. HALLEY. Did you collect contributions?

Mr. NOONAN. In St. Louis?

Mr. HALLEY. Anywhere.

Mr. NOONAN. No, I didn't go out and solicit or collect but when I was at the headquarters here in Kansas City, some of them was brought in and I was sitting there, and some of them would give me, they mostly all small checks, being already made out to the campaign, and bring them over and hand them to me.

Mr. HALLEY. Did you get any contributions in St. Louis?

Mr. NOONAN. None.

Mr. HALLEY. None at all?

Mr. NOONAN. These were people that would walk into the Smith headquarters at Phillips and have the checks made out, turn them over to me or anybody that happened to be there.

Mr. HALLEY. In St. Louis did you ever talk to Gregory Moore or Buster Wortman about how the State would be run after the election?

Mr. NOONAN. No.

Mr. HALLEY. What were you selling for your candidate, what was it?

Mr. NOONAN. The best candidate.

Mr. HALLEY. What was he going to do? What would make him the best candidate?

Mr. NOONAN. He would make the best Governor. That is what you generally sell in a candidate. He would be the best man for the office.

Mr. HALLEY. From the point of view of Binaggio, for instance, Binaggio controlled upward of 30,000 votes, is that right?

Mr. NOONAN. That is right.

Mr. HALLEY. And that would be important support for any candidate.

Mr. NOONAN. Yes; it would.

Mr. HALLEY. And he was an old friend of yours, is that right?

Mr. NOONAN. I knew him for years; yes.

Mr. HALLEY. There has been some testimony here from Mr. Hendren, I think you heard it, that Binaggio supported Mr. McKittrick originally. I think Mr. McKittrick so testified too, or that he was about to support McKittrick.

Mr. NOONAN. Yes, yes.

Mr. HALLEY. Were you instrumental in persuading Binaggio that he should support Forrest Smith? Did you have any discussions with him?

Mr. NOONAN. I don't know whether I was instrumental. I certainly talked to him, not to support McKittrick, to support Smith.

Mr. HALLEY. Along what lines did you talk to Binaggio?

Mr. NOONAN. First place that Smith would be the best man, and that Smith was a winner. Then there would be no use of him going out and supporting Nee or McKittrick, either one, because they could not win.

Mr. HALLEY. You understood that Binaggio wanted Kansas City opened up somewhat, did you not?

Mr. NOONAN. Well, I never, no, I couldn't say that I did.

Mr. HALLEY. I think you testified the last time you appeared before the committee, that it was understood that Binaggio wanted the city opened up.

Mr. NOONAN. Well, that is a supposition, never was brought up in my presence or no promises made, in fact, no requests made that I know of.

Mr. HALLEY. Aside from any promise or assurances in all fairness, you did testify that no promises were made.

Mr. NOONAN. Yes.

Mr. HALLEY. But it was understood without having to be said that is what Binaggio wanted, wasn't it?

Mr. NOONAN. Well, that is what maybe you would imagine, what a man really in political leadership generally wants, he wants you to look to him for wanting his patronage.

Mr. HALLEY. Binaggio had a legitimate business in the Ace Construction Co., and you were in with him?

Mr. NOONAN. For a short time.

Mr. HALLEY. It didn't make any amount of money?

Mr. NOONAN. No money whatever.

Mr. HALLEY. There were no profits?

Mr. NOONAN. No.

Mr. HALLEY. In fact, it lost money?

Mr. NOONAN. I imagine it did.

Mr. HALLEY. Binaggio's real income came from his gambling, didn't it?

Mr. NOONAN. Well, now, I couldn't tell you anything about it. I know nothing about where his income came from. I read in the paper here where he was in there, there was a beer organization, something like that. I didn't know he was in those kinds of things.

Mr. HALLEY. You knew he was in gambling.

Mr. NOONAN. I knew he had been in gambling, yes.

Mr. HALLEY. You knew that he depended upon them to have himself and his friends in money, isn't that right?

Mr. NOONAN. I suppose so.

Mr. HALLEY. So there would be no doubt that he wanted a certain amount—

Mr. NOONAN. An open town.

Mr. HALLEY. Of freedom.

Mr. NOONAN. Yes, I imagine he would.

Mr. HALLEY. And of course, it was perfectly clear that if Binaggio supported Forrest Smith and managed with his strong block of votes to help win, he would be entitled to some patronage.

Mr. NOONAN. No question about it.

Mr. HALLEY. On that issue, you are pretty clear, aren't you?

Mr. NOONAN. Yes, on the patronage.

Mr. HALLEY. What is your position on patronage?

Mr. NOONAN. Of course, to the victor belongs the spoils, the way we figure it. If one faction, two of the factions support a man for governor, say a third faction does not, like we had here, the factions that supported him would be the ones that would get the patronage, not the one that fought you in the primary.

Mr. HALLEY. You originally took Binaggio and McKissick to see Smith at the Phillips Hotel, didn't you?

Mr. NOONAN. Did what, did you say?

Mr. HALLEY. You originally took Binaggio and Henry McKissick to see Smith at the Phillips Hotel to discuss it?

Mr. NOONAN. No, I believe I called them one time to come down to meet Smith down there.

Mr. HALLEY. That was before Binaggio had gotten onto Smith's wage, is that right?

Mr. NOONAN. I believe so.

Mr. HALLEY. Were you present at the meeting at the Phillips Hotel?

Mr. NOONAN. I think I was

Mr. HALLEY. Can you describe what happened?

Mr. NOONAN. No, I think that they talked it over about getting them to support, you know, Smith, and come out with an announcement that both organizations, because naturally Smith was very desirous of having their endorsement and support.

Mr. HALLEY. Did anybody come right out and say to the victor belongs the spoils, and you are going to have the patronage in Kansas City?

Mr. NOONAN. No, generally they don't do that.

Mr. HALLEY. You don't have to say that.

Mr. NOONAN. You don't have to do that, that is right. You expect that.

Mr. HALLEY. Your sense of justice would have been outraged if after the victory Binaggio didn't get the patronage?

Mr. NOONAN. Didn't get it, his portion of the patronage; yes.

Mr. HALLEY. He would be entitled to that.

Mr. NOONAN. Yes.

Mr. HALLEY. And as a result of these discussions, Binaggio did decide for Smith, is that right?

Mr. NOONAN. Yes, sir. I don't know, I imagine it was, because he did come out for Smith some time later.

Mr. HALLEY. Over how long a period of time did it take Binaggio to make up his mind?

Mr. NOONAN. I don't know, but what he was for him at that time. I heard the testimony here yesterday, but I don't remember at any time that he was leaning toward McKittrick or anybody else.

Mr. HALLEY. During the campaign, did you get contributions from any gamblers?

Mr. NOONAN. Did I get any contributions?

Mr. HALLEY. Yes.

Mr. NOONAN. From any gamblers?

Mr. HALLEY. Yes.

Mr. NOONAN. I testified to that.

Mr. HALLEY. You got the contribution from Trolli, is that right?

Mr. NOONAN. That was to pay my own personal expenses up there.

Mr. HALLEY. That was a cash contribution?

Mr. NOONAN. That was, yes; at that time I didn't even know Trolli was a gambler.

Mr. HALLEY. When did you first find out that Trolli ran a policy game?

Mr. NOONAN. After the committee called him down here, you know, the jury, or whatever, the grand jury. He owns a big place out here south of town, and I thought he was interested in that at the time, a big cabin camp.

Mr. HALLEY. Trolli was pretty prominent as an operator, as the biggest policy wheel in Kansas City.

Mr. NOONAN. He may have been, but I didn't know anything about it.

Mr. HALLEY. Wouldn't a man who moves around as much as you do know about that?

Mr. NOONAN. No; because I didn't know; I never paid any attention to policy, I never; it didn't seem to me they ever brought it up before. I don't know what it is or who had it or anything like that.

Mr. HALLEY. Where did he bring the \$500?

Mr. NOONAN. Over to the Phillips Hotel.

Mr. HALLEY. And handed it to you personally?

Mr. NOONAN. Yes.

Mr. HALLEY. Did he say what he wanted it used for?

Mr. NOONAN. No. He just—we were talking there, and I said I owed a bill at the hotel, and they wanted me to go out somewhere, I forget where. He said “Let me help pay some of your expenses.”

Mr. HALLEY. He just peeled off \$500?

Mr. NOONAN. He counted it off some way and gave it to me.

Mr. HALLEY. He hadn't even expected to give you that contribution at that moment?

Mr. NOONAN. I don't imagine he had. We had no appointment or anything. He just walked in.

Mr. HALLEY. Was he one of these fellows like Gizzo that pull out a roll of \$2,500?

Mr. NOONAN. He may have.

The CHAIRMAN. You are a big man with a loud voice, Mr. Noonan, so lift your voice up so we can hear you.

Mr. NOONAN. All right, Senator, I have a little cold.

Mr. HALLEY. He habitually carried a lot of money with him; is that right?

Mr. NOONAN. I don't know.

Mr. HALLEY. On any occasion?

Mr. NOONAN. He had that.

Mr. HALLEY. Without any notice to just give you \$500?

Mr. NOONAN. Yes.

Mr. HALLEY. Out of what he had in his pocket; is that right?

Mr. NOONAN. Yes.

Mr. HALLEY. Did any of your other friends give you any campaign money?

Mr. NOONAN. The only one.

Mr. HALLEY. So that the majority of the money that you got for your campaign expenses came from Binaggio; would that be right?

Mr. NOONAN. Well, I would say different ones. No; not only Binaggio. It didn't come—as I understood the Kansas City organization—

Mr. HALLEY. That was Binaggio's club; wasn't it?

Mr. NOONAN. Well, it was, maybe. I don't know whether it was Binaggio's club, as I say there were several factions in that club.

Mr. HALLEY. But it was the organization headed by Binaggio that was paying your expenses.

Mr. NOONAN. Yes, sir; that is it.

Mr. HALLEY. After the election, did Binaggio want to have some patronage in the police department?

Mr. NOONAN. Did he want to have some patronage in the police department?

Mr. HALLEY. Yes.

Mr. NOONAN. I imagine he did.

Mr. HALLEY. First there came about the question of replacing two police commissioners; is that right?

Mr. NOONAN. Yes.

Mr. HALLEY. Was there ever any question of a third commissioner, Mr. Robert Cohn, resigning from the post as police commissioner and going on the board of elections?

Mr. NOONAN. Was there a question of it?

Mr. HALLEY. Yes.

Mr. NOONAN. I don't think so; only, on my own, I asked Bob if after the election he would rather go over on the elections commissioners, because as far as the State of Missouri is concerned, the law governing the police commission does not call for a Republican member of the police commission, and Bob is a Republican, and I asked Bob if he would care to go over on the election commissioners. That called for two of each party, and I asked him if he would rather transfer over. If he would, why, then I would see if we could make it. He said no, he would not; he was getting along fine down there, and he would rather stay there. He thought he was doing some good there. That was all that was ever said about it.

Mr. HALLEY. Did you say that there was something that you had discussed with the Governor?

Mr. NOONAN. I said, no, I would discuss it with him if he wanted me. He didn't and I did not discuss it.

Mr. HALLEY. He says a later time you came back and said that you talked to the Governor and the Governor said that if he really wanted to stay on the police commission, he could.

Mr. NOONAN. I don't remember that. I may have.

Mr. HALLEY. Did you have in mind when you talked to Cohn that if he would go over onto the board of elections, you then would be able to appoint three police commissioners and have no problem about the patronage?

Mr. NOONAN. That is right.

Mr. HALLEY. That is what?

Mr. NOONAN. Smith would. I would not. The Governor would. He would have three commissioners.

Mr. HALLEY. And then those three commissioners could make such appointments as they saw fit?

Mr. NOONAN. That is right.

Mr. HALLEY. It takes three to do any effective action on the board?

Mr. NOONAN. Yes.

Mr. HALLEY. But Cohn didn't quit.

Mr. NOONAN. No.

Mr. HALLEY. And Chambers didn't quit?

Mr. NOONAN. Well, Chambers was not supposed to quit.

Mr. HALLEY. You said Chambers was not supposed to quit?

Mr. NOONAN. No; they are appointed for a term of 4 years, and his 4 years were not up yet. The only way Chambers could be taken off there would be the Governor requesting him to resign.

Mr. HALLEY. Was Cohn's time up?

Mr. NOONAN. No, Cohn still would have had another year yet.

Mr. HALLEY. Didn't you have the same situation with Cohn and Chambers?

Mr. NOONAN. Well, there would be a difference in resigning, you understand, and being taken out of there.

Mr. HALLEY. Neither of them had to quit unless they were either fired or saw fit to retire.

Mr. NOONAN. Ordinarily they would have stayed until their term, their 4-year term was up.

Mr. HALLEY. Did you make any effort to get Chambers to quit before his term was up?

Mr. NOONAN. No; no.

Mr. HALLEY. Who was appointed to the board by Governor Smith?

Mr. NOONAN. Who was appointed for the two commissioners, then?

Mr. HALLEY. Yes.

Mr. NOONAN. J. L. Tuck Milligan was appointed chairman of the board, and Sheridan Farrell, member.

Mr. HALLEY. And was Milligan an old friend of the Governor?

Mr. NOONAN. A life-long boyhood friend.

Mr. HALLEY. That was regarded as a personal appointment?

Mr. NOONAN. Without any question; without a question.

Mr. HALLEY. By the Governor.

Mr. NOONAN. Yes.

Mr. HALLEY. But there was very little doubt, I presume, that Milligan would go along on this patronage idea which you felt was only fair; is that right?

Mr. NOONAN. Yes, sir; I think he would.

Mr. HALLEY. What was Farrell's appointment, did you know? Who recommended him?

Mr. NOONAN. Charlie Phillips, the owner of the hotel that he is the manager of, I know was very strong for Farrell.

Mr. HALLEY. Was Binaggio strong for Farrell?

Mr. NOONAN. I am pretty nearly sure Binaggio would have endorsed him or did endorse him.

Mr. HALLEY. So Farrell and Milligan went on the board.

Mr. NOONAN. That is right.

Mr. HALLEY. Then there was a really strong effort to get Chief of Police Johnston removed; is that right?

Mr. NOONAN. I think so.

Mr. HALLEY. Did you want Johnston out?

Mr. NOONAN. Personally, yes. I had no say in it, but I wanted him out.

Mr. HALLEY. As I recall it, your position was that there was nothing wrong with Johnston at all, but that politically he was just on the wrong side.

Mr. NOONAN. He is a Republican, and there was a Democratic victory and I thought the Democrats should have the jobs.

Mr. HALLEY. Despite the fact that he was doing a good police job?

Mr. NOONAN. There were others who could do just as well.

Mr. HALLEY. Before we go further, didn't you see any great danger in this spoils system as applied to a police department, particularly when the man who would get these spoils, Binaggio, was a known gambler and racketeer?

Mr. NOONAN. Well, no. As a general rule when you make a chief of police, you pick a man out of the department, and there were other men who had had just as much experience on police work. I never made a recommendation of any one man.

Mr. HALLEY. Of course if Johnston were replaced by somebody under this spoils system, whoever got the job would be indebted to Binaggio; wouldn't he?

Mr. NOONAN. Not necessarily. I think he would be indebted to the Governor. The Governor had not turned the police commission over to Binaggio.

Mr. HALLEY. It was Binaggio's patronage here in Kansas City, wasn't it?

Mr. NOONAN. To a certain extent, Binaggio, Shannon, Sermon.

Mr. HALLEY. Whoever was appointed would certainly have to get Binaggio's endorsement under the patronage system.

Mr. NOONAN. He would get one of those factions. He wouldn't necessarily have to. Some of the appointments were given by Shannon's endorsement.

Mr. HALLEY. I thought we agreed some particular time back that Binaggio had this strong block of votes and was a very important factor.

Mr. NOONAN. Binaggio had a strong block of votes when you can take into consideration these other factions here that went along with him on Smith.

Mr. HALLEY. Wasn't it actually Binaggio who was doing all of the moving for this police job?

Mr. NOONAN. Yes.

Mr. HALLEY. This was his affair; wasn't it?

Mr. NOONAN. What; now?

Mr. HALLEY. This was his main interest; wasn't it?

Mr. NOONAN. The police job?

Mr. HALLEY. Yes.

Mr. NOONAN. No; he was fighting for the election boards and all the rest of the patronage.

Mr. HALLEY. There was nobody else concerned with the police jobs besides Binaggio, was there?

Mr. NOONAN. I think Shannon made a fight for the commission.

Mr. HALLEY. Who did he want on it?

Mr. NOONAN. I am not positive on it but I believe a man named Reeder.

Mr. HALLEY. He didn't get him, though?

Mr. NOONAN. No. I believe he was attorney for the police commission at that time.

Mr. HALLEY. Binaggio did get people he liked and endorsed?

Mr. NOONAN. He got one. He got Farrell.

Mr. HALLEY. It was understood that Milligan would go along on the patronage?

Mr. NOONAN. I don't know that it was understood or not. It was understood that Milligan would go along with Smith's friends, I think.

Mr. HALLEY. Binaggio certainly was Smith's friend; wasn't he?

Mr. NOONAN. Yes.

Mr. HALLEY. Let's get back to this question of whether, when Smith's friends were able to control or have a very important voice in the appointment of a police chief, you wouldn't get a very dangerous situation. Don't you think so?

Mr. NOONAN. No; not necessarily, not with Milligan in there as chairman of that board. I don't think Tuck Milligan would allow a man to go in as chief of police who wasn't capable, able, and upright.

Mr. HALLEY. Milligan was going along with Farrell, and they were trying to get either Chambers or Cohn to go along on making certain changes; weren't they?

Mr. NOONAN. Certain changes in departments; yes. They may have. I don't know whether the chief of police came up or not.

Mr. HALLEY. They were trying to get rid of Captain Kircher, weren't they, who was in charge of the downtown district?

Mr. NOONAN. I don't know any police department here.

Mr. HALLEY. They certainly were trying to get rid of a man who had done a perfectly good job as police chief.

Mr. NOONAN. As police chief?

Mr. HALLEY. Isn't that right—Johnston?

Mr. NOONAN. They were trying to transfer him back, I believe, over into another department there.

Mr. HALLEY. That is right. There was nothing wrong with his work. He had done a good efficient job, everybody seems to think.

Mr. NOONAN. I don't know. I couldn't say he did a bad job, but I don't know. I don't know anything about his work.

Mr. HALLEY. Did you ever meet Gargotta. Charlie Gargotta?

Mr. NOONAN. I met him; yes.

Mr. HALLEY. Did you think he was a fine, upright type of citizen, or did he worry you a little bit?

Mr. NOONAN. He didn't worry me because I barely knew him, except to see him; that is all.

Mr. HALLEY. He didn't look like a very fine type of citizen, did he?

Mr. NOONAN. No. I wouldn't put him up in those words.

Mr. HALLEY. He was a gunman, wasn't he?

Mr. NOONAN. I understand he was; yes.

Mr. HALLEY. And Lacoco? Did you know about him?

Mr. NOONAN. I wouldn't know him if I saw him walking down the street.

Mr. HALLEY. You met him with Binaggio, didn't you?

Mr. NOONAN. I don't believe I have. I don't believe I ever met him.

Mr. HALLEY. Gargotta, Lacoco, and Binaggio were all together.

Mr. NOONAN. That is common knowledge, yes.

Mr. HALLEY. Gizzo and a number of others?

Mr. NOONAN. Yes.

Mr. HALLEY. So Binaggio's associates weren't too good, were they?

Mr. NOONAN. No.

Mr. HALLEY. Didn't it worry you to think that Binaggio was going to have this patronage?

Mr. NOONAN. No. It didn't worry me. As far as political patronage is concerned, what harm was it?

Mr. HALLEY. Doesn't it do great harm to the police force?

Mr. NOONAN. I never at any time thought Binaggio was aiming at the chief of police.

Mr. HALLEY. He was certainly very active about it, wasn't he?

Mr. NOONAN. Trying to do it?

Mr. HALLEY. Yes.

Mr. NOONAN. There are lots of things he tried to do that he didn't do.

Mr. HALLEY. Tried to get Chief Johnston out; isn't that right?

Mr. NOONAN. I don't know that he did.

Mr. HALLEY. I thought you testified that both you and Binaggio were very anxious to get Johnston out.

Mr. NOONAN. I don't know that Binaggio was. I know I was in favor of another chief, a Democratic chief being picked, from the department.

Mr. HALLEY. You frequently talked to Binaggio about the patronage problem, didn't you?

Mr. NOONAN. Yes.

Mr. HALLEY. He came to your apartment at Jefferson City, didn't he?

Mr. NOONAN. That is right.

Mr. HALLEY. He wanted to put a man named Braun in Johnston's place, didn't he?

Mr. NOONAN. I heard that name, Braun, mentioned once, and I asked Tuck Milligan what about it, that I heard a guy named Braun mentioned as chief. Milligan told me at that time, as I have testified before, that he would never appoint Braun.

Mr. HALLEY. Yes, that is so, but Binaggio wanted him, didn't he?

Mr. NOONAN. I understood he wanted him. He didn't ask me about him.

Mr. HALLEY. He wanted him in place of Johnston, isn't that right?

Mr. NOONAN. He may have.

Mr. HALLEY. Braun had a bad record. He had been in the department and had been removed, is that right?

Mr. NOONAN. I didn't know him. I didn't know Braun.

Mr. HALLEY. There was considerable talk that he had run a "crap" game in his station house, wasn't there?

Mr. NOONAN. I didn't hear that.

Mr. HALLEY. Didn't you ever hear that?

Mr. NOONAN. I didn't hear that. I don't know. I didn't hear anything about Braun at all. I did not run Braun or anybody else for chief.

Mr. HALLEY. That is the man Binaggio wanted, is that right?

Mr. NOONAN. That is what I understand, yes.

Mr. HALLEY. Milligan wouldn't go for that.

Mr. NOONAN. Tuck told me the first time I saw him after I heard that rumor, he told me, he said, "I will never appoint Braun chief of police."

Mr. HALLEY. And Milligan had a fellow named Higgins he wanted, is that right?

Mr. NOONAN. That is what I understood.

Mr. HALLEY. So between the two of them disagreeing about who they wanted and not being able to get Chambers or Cohn to move anyway, the thing was just stopped.

Mr. NOONAN. That is right.

Mr. HALLEY. And Johnston stayed on.

Mr. NOONAN. He stayed on.

Mr. HALLEY. During all this period do you think this had a good effect on the morale of the police department?

Mr. NOONAN. I wouldn't be in a position to tell you. I wasn't in Kansas City at all. I don't know anything about it.

Mr. HALLEY. Of course, in all fairness, your interest and your job was to get votes for Smith.

Mr. NOONAN. That is right.

Mr. HALLEY. And if patronage grew out of votes, that was just the spoils system.

Mr. NOONAN. That is right.

Mr. HALLEY. You weren't concerned with the working of the police department or the morality of the thing, is that right?

Mr. NOONAN. I would say "Yes." I have no knowledge of the police affairs. I wouldn't know anything about it. I couldn't make a recommendation because I didn't know. When I heard the name Higgins

mentioned I thought they were picking an awful good man because I knew he had been chief and had been on the department for years and was let out purely on a political set-up.

Mr. HALLEY. You wanted him back in.

Mr. NOONAN. I didn't want him. I heard his name mentioned. I never fronted for him.

Mr. HALLEY. You had a meeting with Binaggio and Cohn at the Phillips Hotel, didn't you?

Mr. NOONAN. That is right.

Mr. HALLEY. Who were you fronting for at that meeting?

Mr. NOONAN. I wasn't fronting for anybody.

Mr. HALLEY. You called Cohn and asked Cohn to come to see you; is that right?

Mr. NOONAN. That is right.

Mr. HALLEY. Cohn did?

Mr. NOONAN. He did.

Mr. HALLEY. Then Binaggio joined you; is that right?

Mr. NOONAN. That is right.

Mr. HALLEY. What was the meeting about?

Mr. NOONAN. Patronage, removing some of those top-ranking Republicans in the department and putting Democrats in, raising Democrats up and giving the appointments.

Mr. HALLEY. In other words, you were there trying to convince Cohn of the merits of the spoils system.

Mr. NOONAN. I was there trying to get Democrats in jobs that they were entitled to.

Mr. HALLEY. You weren't pushing for any individual people?

Mr. NOONAN. No.

Mr. HALLEY. You were just saying the jobs ought to go to Democrats; is that right?

Mr. NOONAN. That is right.

Mr. HALLEY. There was one particular Democrat sitting in the room with you at that time; is that right?

Mr. NOONAN. That is right.

Mr. HALLEY. And that was Charlie Binaggio.

Mr. NOONAN. That is right.

Mr. HALLEY. So it wouldn't take a very smart man to draw the inference that the Democrat who was going to control those appointments was Charlie Binaggio; is that right?

Mr. NOONAN. Well, it may, but at the same time if Cohn had agreed, he would have had to go through Milligan, the chairman of the board, to make any decision.

Mr. HALLEY. But if Cohn had agreed, he would have known very well what Democrat you had in mind to control that patronage.

Mr. NOONAN. Well, I had all the different factions in mind that supported Smith.

Mr. HALLEY. But Binaggio was in the room?

Mr. NOONAN. He was in the room.

Mr. HALLEY. Nobody else was in the room?

Mr. NOONAN. Not at that time there wasn't.

Mr. HALLEY. What finally came of that conversation?

Mr. NOONAN. Not a thing.

Mr. HALLEY. What did Cohn say?

Mr. NOONAN. I don't remember exactly what Bob said. I don't think we got down to any "yes" or "no" answer. I just asked him to check it over and see if he couldn't work it out so that we could promote some of these Democrats in the department and bring them back into the higher-ranking jobs.

Mr. HALLEY. Cohn pointed out that the jobs were nonpolitical and in effect almost civil service, didn't he?

Mr. NOONAN. I don't remember whether he did or not, but if he did, I think he is mistaken. I don't think they are.

Mr. HALLEY. Do you think a police department should be political?

Mr. NOONAN. I think everything should be political. [Laughter.]

Mr. HALLEY. You had similar problems in St. Louis, didn't you, with Commissioner Holzhausen?

Mr. NOONAN. Yes; we have them everywhere.

Mr. HALLEY. What was the story about Commissioner Holzhausen in St. Louis? He was also on the police commission; is that right?

Mr. NOONAN. That is right.

Mr. HALLEY. He was appointed—

The CHAIRMAN. Louder, Mr. Noonan.

Mr. NOONAN. That is right. He was.

Mr. HALLEY. He was appointed by Forrest Smith.

Mr. NOONAN. Yes, sir.

Mr. HALLEY. He was supposed to go along on the patronage idea; is that right?

Mr. NOONAN. I understand he refused to go along.

Mr. HALLEY. When he was appointed by Smith there was some hope that he would go along?

Mr. NOONAN. Naturally; yes.

Mr. HALLEY. He proved to be a great disappointment, would that be right?

Mr. NOONAN. Yes.

The CHAIRMAN. Did you recommend him in the first place?

Mr. NOONAN. No, sir.

The CHAIRMAN. Who did?

Mr. NOONAN. I understand Judge Sestric did. He is in Judge Sestric's district.

Mr. HALLEY. What efforts were made to have Holzhausen removed after he proved unwilling to go along on patronage?

Mr. NOONAN. I don't know.

Mr. HALLEY. Didn't some State senators talk to you about it?

Mr. NOONAN. I imagine they did, but then there was nothing I could do about it, and nothing I did do about it.

Mr. HALLEY. Was Senator Hilsman one?

Mr. NOONAN. Hilsman talked to me. I don't know that he wanted him removed, though.

Mr. HALLEY. What did he talk to you about?

Mr. NOONAN. I couldn't recall what he talked to me about.

Mr. HALLEY. Did he talk to you about Holzhausen?

Mr. NOONAN. I don't know whether he did or not.

Mr. HALLEY. Did Senator Webbe talk to you about Holzhausen?

Mr. NOONAN. I don't think so. Webbe talked to me about lots of things.

Mr. HALLEY. At the closed sessions, if I remember rightly, you testified that those two Senators complained to you about Holzhausen, and then they went to the Governor. Do you recall that—to complain that they couldn't get any patronage?

Mr. NOONAN. No. If I testified to that, I can't recall it. I know that the Democratic senators and Democratic ward leaders of St. Louis were very much put out because they couldn't get any transfers made in St. Louis to get any of their men elevated to different jobs like that.

Mr. HALLEY. Binaggio was put out about it, too, was he not?

Mr. NOONAN. I guess he was.

Mr. HALLEY. Did he ever talk to you about Holzhausen?

Mr. NOONAN. I don't know whether he did or not. I don't remember any reason why he should. We couldn't have removed Holzhausen.

Mr. HALLEY. Do you remember an occasion when he and Mr. McKittrick sat in your apartment in Jefferson City and discussed the problem of getting a resignation from Holzhausen?

Mr. NOONAN. No, I don't. I heard McKittrick's testimony yesterday that he met up there, but I was not present at any conference of that kind.

Mr. HALLEY. Was McKittrick in your home?

Mr. NOONAN. He has been there several occasions. It isn't a home, now. That is an apartment that I have at the hotel.

Mr. HALLEY. Your home is actually in Kansas City?

Mr. NOONAN. Kansas City, my home, yes.

Mr. HALLEY. With some other people you share a little apartment up there?

Mr. NOONAN. That is right.

Mr. HALLEY. After the election and the inauguration in 1948 Mr. McKittrick did visit your apartment, is that right?

Mr. NOONAN. He visited it on several occasions.

Mr. HALLEY. Was he there on at least one occasion when Binaggio was there?

Mr. NOONAN. Yes, he was there. I heard him testify yesterday and I recall he was there.

Mr. HALLEY. But you didn't hear the conversation?

Mr. NOONAN. I wasn't near them. I didn't hear the conversation.

Mr. HALLEY. Have you any idea who killed Binaggio?

Mr. NOONAN. No, sir; not the least.

Mr. HALLEY. I have no other questions right now.

The CHAIRMAN. Mr. Noonan, you believe in a strong two-party system, and that the party that is in ought to have the control and that it should run everything?

Mr. NOONAN. I do. I think we should walk out when the Republicans win.

The CHAIRMAN. When a party wins then the ones who were in should fold up their tents and go home?

Mr. NOONAN. That is right. In State politics today we are in an awful fix trying to build an organization because you people in Washington are putting merit systems on us and all where we don't have any patronage hardly in the State organization any more.

The CHAIRMAN. Passing Hatch Acts and civil service?

Mr. NOONAN. Yes; passing Hatch Acts. For instance, on our State highway department and our penal institutions and our State health

departments you put funds in our State to help us and then you say you have to put that under the merit system or you don't get this money. When you put it under the merit system politically we lose that patronage.

The CHAIRMAN. If any part of the money comes from the Federal Government then they are under the Hatch Act.

Mr. NOONAN. They are under the Hatch Act or the merit system, whatever you call it.

The CHAIRMAN. You do not like that very much?

Mr. NOONAN. No, I don't.

The CHAIRMAN. After the election, then, with Binaggio heading up the Shannon, McKissick and the Sermon group over here, Binaggio was the spokesman and you thought in fairness you ought to try to get some patronage for him?

Mr. NOONAN. That is right, sir.

The CHAIRMAN. You talked with Mr. Cohn a time or two. You did get some little patronage but you were never satisfied with it, and Mr. Binaggio was never satisfied, is that right?

Mr. NOONAN. That is right.

The CHAIRMAN. You all didn't think he had gotten a very good deal.

Mr. NOONAN. No; he didn't, I didn't think.

The CHAIRMAN. You felt he didn't get a good deal on patronage?

Mr. NOONAN. That is right.

The CHAIRMAN. He just got two or three little underling positions but nothing of any importance.

Mr. NOONAN. Senator, when you go and talk to the Governor here now every year things changed. A department that you think you would have a patronage in, you find that in the past year they have been changed and automatically put under merit system by receiving Federal funds. That applies to a lot of positions. We didn't get near the patronage that we thought we should get.

The CHAIRMAN. That didn't apply to city positions under the police department in Kansas City?

Mr. NOONAN. No, but Mr. Halley said awhile ago they feel that that is under the merit system. I never heard of a police department being under a merit system.

The CHAIRMAN. So the police department is about the only place that you had the work. All the rest of them were tied up under Federal Hatch Act.

Mr. NOONAN. Police and election boards were about all you have here.

The CHAIRMAN. So up until the time Binaggio was killed you were trying to help him get a better say in patronage and more of a finger in some of the positions in the police department; is that right?

Mr. NOONAN. Police and others, any patronage coming to him, that we could get for him.

The CHAIRMAN. But the police department was about the only place that you had to work on here in Kansas City.

Mr. NOONAN. And the election commission. That is half and half, 50-50.

The CHAIRMAN. But the election commission didn't have a lot of employees under it like the police department?

Mr. NOONAN. No, not nearly as many.

The CHAIRMAN. You said you were in the bonding business. You hoped to get a little bonding business, but you didn't get any, did you?

Mr. NOONAN. Not very much.

The CHAIRMAN. How much did you get?

Mr. NOONAN. Very little.

The CHAIRMAN. \$1,400?

Mr. NOONAN. That is about right.

The CHAIRMAN. Is that right?

Mr. NOONAN. That is right.

The CHAIRMAN. So you came out pretty badly on this thing yourself.

Mr. NOONAN. I haven't been very successful.

The CHAIRMAN. Anything else?

Mr. HALLEY. One other question, please.

There was some testimony yesterday by Mr. Chambers that a man named Wilbur Dean came to him and said he had been asked to ask him if he would go along. Dean didn't actually ask him but simply conveyed a request that had been made to him.

Mr. NOONAN. Yes.

Mr. HALLEY. Apparently he did it reluctantly. Do you know Dean?

Mr. NOONAN. I do.

Mr. HALLEY. Have you ever worked for him?

Mr. NOONAN. No, sir.

Mr. HALLEY. Have you ever associated with him?

Mr. NOONAN. Yes.

Mr. HALLEY. What was your association with him?

Mr. NOONAN. In the construction business, contracting.

Mr. HALLEY. Was George Jones also associated with Dean in any way?

Mr. NOONAN. Yes, he was associated too.

Mr. HALLEY. And Jones was one of the people who has shared your apartment with you, is he not?

Mr. NOONAN. He did early when I first went to Jefferson City.

Mr. HALLEY. He is a good friend of yours?

Mr. NOONAN. I have known him for years.

Mr. HALLEY. Do you know whether Jones or you are the people who asked Dean to go to Chambers with this proposition?

Mr. NOONAN. I couldn't say what Jones did, but I certainly know I didn't.

Mr. HALLEY. You didn't?

Mr. NOONAN. No, sir. I was never interested in gambling or anything like that.

Mr. HALLEY. You just don't know about Jones?

Mr. NOONAN. No, I don't know whether he did or not. I doubt it very much.

The CHAIRMAN. It wasn't about gambling. It was about Mr. Dean reluctantly passing a message on to Chambers that if he would go along with this idea of making some changes in the department it would be worth a lot to him.

Mr. NOONAN. I thought he said gambling.

The CHAIRMAN. Were you the one that asked Mr. Dean to do that?

Mr. NOONAN. No, I didn't.

The CHAIRMAN. Was that the point?

Mr. HALLEY. Yes.

The CHAIRMAN. That is all, Mr. Noonan. Thank you for your cooperation.

Mr. NOONAN. Thank you.

The CHAIRMAN. Is Lieutenant Smith here?

You solemnly swear that the testimony you give this committee will be the whole truth, and nothing but the truth, so help you God?

Mr. SMITH. I do.

**TESTIMONY OF JOSEPH F. SMITH, LIEUTENANT, KANSAS CITY
(MO.) POLICE DEPARTMENT**

Mr. HALLEY. What is your position, Mr. Smith?

Mr. SMITH. I am a lieutenant of police of the Kansas City (Mo.) Police Department in charge of the Bureau of Records and Identification.

Mr. HALLEY. Have you checked the records of Charles Gargotta?

Mr. SMITH. In what respect, sir?

Mr. HALLEY. With regard to a conviction for assault.

Mr. SMITH. Yes, sir.

Mr. HALLEY. When was he convicted, and of what precise charge?

Mr. SMITH. I don't know the exact date of the conviction. However, he was received at the Missouri State Penitentiary on June 19, 1939. It was a few days before that when he was sentenced.

Mr. HALLEY. He received a 3-year sentence?

Mr. SMITH. Yes, sir.

Mr. HALLEY. When was he released from the prison?

Mr. SMITH. January 28, 1941.

Mr. HALLEY. And was he paroled at that time?

Mr. SMITH. He was released under conditional commutation and the remainder of the 3 years, of course, was as parole.

Mr. HALLEY. What is the conditional commutation?

Mr. SMITH. He is, with good behavior, he is required to serve seven-twelfths of his actual sentence, and he is eligible for release, if good conduct at the expiration of seven-twelfths. Then that period to the full period is parole period.

Mr. HALLEY. You say he is eligible for release, but that release is discretionary, is it not?

Mr. SMITH. I am not too sure of that, sir.

Mr. HALLEY. Sometime after his release, was he pardoned?

Mr. SMITH. Yes, sir.

Mr. HALLEY. On what date was he pardoned?

Mr. SMITH. He was pardoned on June 4, 1942.

Mr. HALLEY. Do you know who pardoned him?

Mr. SMITH. Gov. Forrest Donnell.

Mr. HALLEY. And was it a full pardon, an unconditional pardon?

Mr. SMITH. Yes, sir.

Mr. HALLEY. With complete restoration of civil rights?

Mr. SMITH. Thank you. No further questions.

The CHAIRMAN. Mr. Smith, he served, then, just about a little more than a year and a half, I take it, from June 1939 to January of 1941; is that seven-twelfths of his time?

Mr. SMITH. I will have to do some figuring on that.

The CHAIRMAN. Anyway, is not there any power to keep a fellow in his full time if he has a criminal record of 40 arrests and charges and convictions prior to this time?

Mr. SMITH. I believe that depends on the nature of the conviction, sir. I am not too familiar with that.

The CHAIRMAN. What I mean, is it required while he has good conduct, while actually serving, that he has to be let out after serving seven-twelfths of his time?

Mr. SMITH. I am not too familiar with the State law regarding that.

The CHAIRMAN. I have the FBI report on the charges against Charles Gargotta here in the State of Missouri. I do not know if he had some charges in other States or not, but they run everything from extortion and charges of larceny and highway robbery, with almost no convictions, it is true, but apparently he is being arrested every 2 or 3 months on some kind of charge, so that my question was whether in the face of a record like that, whether if he serves with good conduct, whether he gets out in seven-twelfths of his time, or whether it is discretionary that it could be kept for his full 3 years.

Mr. SMITH. I am not too sure whether it is mandatory that he be released on seven-twelfths on good conduct or not. If he had been convicted as an habitual criminal, under the habitual law, then of course he would have had to serve his full time.

The CHAIRMAN. He entered the institution June 1939; apparently, the incident out of which it grew took place August 12, 1933.

Mr. SMITH. That, I believe, is correct.

The CHAIRMAN. It took a long time to finally get him in, did it not?

Mr. SMITH. Yes, sir.

The CHAIRMAN. What does this show about why he was given a pardon with restoration of all of his rights? Does the record show there what that was based on?

Mr. SMITH. I obtained this information by long-distance telephone conversation with Jefferson City this morning, and the pardon was preceded by a final report dated March 17, 1942, by the board of probation and parole, and signed by Joseph A. Rooney, who is district No. 4 parole officer. He reported the satisfactory completion of Gargotta's period of parole and recommended his release from parole, and also recommended that he be given a pardon and his citizenship rights be restored.

The CHAIRMAN. Is that the chairman of the parole board? What is his name?

Mr. SMITH. No, sir; this is the parole officer. The chairman of the parole board at that time was Frank Harris.

The CHAIRMAN. Frank Harris.

Mr. SMITH. Yes, sir.

The CHAIRMAN. Does that show that he made a recommendation that he be given a pardon?

Mr. SMITH. This was a recommendation to the board. Then the board's recommendation was May 14, 1942. That report was signed by Frank Harris as chairman, Earl T. Crawford as member, and Nelson D. Evans as member, and they recommended to the Governor that Gargotta be released from parole and that his citizenship rights be restored.

The CHAIRMAN. Then the Governor acted on that recommendation?

Mr. SMITH. That was followed.

The CHAIRMAN. Does there show there was a public hearing or not?

Mr. SMITH. No; I don't know about that, sir.

The CHAIRMAN. I take it that that only refers to the fact that during the time of the parole he had not gotten arrested or convicted of anything else. Is that it?

Mr. SMITH. Yes, sir.

The CHAIRMAN. Apparently no reference was made back to this long criminal record? It does not show there to have been made?

Mr. SMITH. I don't recall that our files show that any inquiry has been made as to that.

The CHAIRMAN. That is, your files here in Kansas City as to whether they made any inquiry as to his criminal record before?

Mr. SMITH. I don't believe they show that, sir.

The CHAIRMAN. They would be open to them if they wanted to get it; would they not?

Mr. SMITH. Yes; they would.

The CHAIRMAN. And the FBI files were open to the police of the city of Kansas City, and I take it they would be open to the board of pardons, the pardon board?

Mr. SMITH. Yes, sir.

The CHAIRMAN. Is it not true that Police Chief Reed protested against this pardon to Gargotta? Do you know?

Mr. SMITH. I am not—I can't answer that, sir.

The CHAIRMAN. Mr. Reed was the chief of police at that time?

Mr. SMITH. Yes. I believe he was, in 1942; yes. He was.

The CHAIRMAN. It might be pointed out that all of these 1940 or 1941 cases where Gargotta was in conflict with the police and charged with very heinous crimes, including murder, here in Kansas City, that we happen to know that at least in Nebraska he was arrested and charged with crimes. It all happened before 1942. All of these are prior to 1939, rather; they run up to 1939. This record would have been open then to anybody who wanted to see it?

Mr. SMITH. Yes, sir. That is, not everybody; no.

The CHAIRMAN. Well, I mean the board of paroles or the Governor of the State, or the parole officer.

Mr. SMITH. Yes, sir.

The CHAIRMAN. Anybody in an official position.

Mr. SMITH. Yes, sir.

The CHAIRMAN. We will look this over. Just as an officer, would the nature of the crimes charged there up to 1939, would you think a fellow like that would be a good citizen to be cutting his time down?

Mr. SMITH. No, sir; I don't.

The CHAIRMAN. All right, sir.

Mr. HALLEY. That is all. Nothing else.

The CHAIRMAN. Will you examine your records and see whether there is a protest in writing by Chief Reed?

Mr. SMITH. I will.

The CHAIRMAN. In this matter.

Mr. SMITH. I will, sir.

The CHAIRMAN. And report back.

Mr. SMITH. Yes, sir.

The CHAIRMAN. Who is the next witness? Mr. Cohn, will you come around, please, sir?

You solemnly swear the testimony you give this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. COHN. I do.

The CHAIRMAN. All right, Mr. Halley.

TESTIMONY OF R. ROBERT COHN, ATTORNEY, KANSAS CITY, MO.

Mr. HALLEY. Your address is 310 East Sixty-seventh Street, Kansas City, Mo.?

Mr. COHN. That is correct.

Mr. HALLEY. Your full name is Robert Cohn?

Mr. COHN. R. Robert Cohn.

Mr. HALLEY. And you are an attorney?

Mr. COHN. That is right.

Mr. HALLEY. You were appointed to the board of police commissioners by Governor Donnelly in October of 1947?

Mr. COHN. That is correct.

Mr. HALLEY. And for a full 4-year term?

Mr. COHN. That is correct.

Mr. HALLEY. And you served until May 2, 1950?

Mr. COHN. That is correct.

Mr. HALLEY. When you were removed from office by Governor Smith?

Mr. COHN. That is correct.

Mr. HALLEY. And, after the election of Governor Smith in 1948, did you have conversations with various persons about personnel of the police department?

Mr. COHN. Yes, sir.

Mr. HALLEY. Shortly after the election, did you have a conversation on the telephone with John Noonan, known as Pat Noonan?

Mr. COHN. Yes. He called me, I think it was, between Thanksgiving and Christmas; told me that he thought that he and the Governor-elect had, in talking, thought I could get over as a member of the Kansas City Board of Election Commissioners. He said that that was a Republican job, where the police board job was not necessarily a Republican job; the position paid more money, and that it would have the 4-year tenure of office.

I told him that I would prefer to stay on the police board. However, if the Governor felt that he wanted me to serve on the election board, I would do whatever the Governor wanted.

Some weeks later, why, Pat Noonan called me and said he had spoken to the Governor and that I could stay on the board of police commissioners.

Mr. HALLEY. And you did stay on?

Mr. COHN. That is correct.

Mr. HALLEY. And at the inauguration of Governor Smith, you were present?

Mr. COHN. Yes, sir.

Mr. HALLEY. Did you have a talk with Charles Binaggio?

Mr. COHN. Yes. I ran onto him at the hotel, and he said he was glad I was on the police board, and he hoped that I would be on his team. I didn't pay much attention to it at the time, just one of those glancing or fleeting conversations.

Mr. HALLEY. Did you have a subsequent conversation with Binaggio?

Mr. COHN. Yes. Some months later I was asked by a businessman that was a friend of Binaggio whether I would meet with him.

Mr. HALLEY. Who was the businessman?

Mr. COHN. A man by the name of Herman Rosenberg, who is the owner of the Midland Lithographing Co., in Kansas City. I told him "yes; I would meet with Mr. Binaggio," and I did meet with Mr. Binaggio.

Mr. HALLEY. And what was the conversation? Where did you meet?

Mr. COHN. At the office of Mr. Rosenberg.

Mr. HALLEY. Why did you meet at an office of a businessman? Did you have an office?

Mr. COHN. Yes; I had an office, but Mr. Binaggio, of course, wanted to protect himself, and didn't want me to be seen in public with him, and I felt the same way about it. Although it was as a public servant, he being a factional political leader, I probably had to see him as well as anybody else. But it was the suggestion that I meet not in my office but somewhere else.

Mr. HALLEY. You agreed to go to Rosenberg's office?

Mr. COHN. That is right.

Mr. HALLEY. Who was present at the conversation? Was Rosenberg present?

Mr. COHN. No, sir; Mr. Binaggio and myself.

Mr. HALLEY. What was the conversation?

Mr. COHN. Well, it was a very friendly conversation. Charlie Binaggio indicated that his group had won. He was after patronage. He felt that the town should open up a little bit, and wanted to know if I would go along on a program. I told him that I would like to know what the program was, and he said that he thought that they ought to open up two or three spots here; that it would not be like it was in the thirties; that they would not let everybody open up, and he thought that we ought to make some changes on the police department; that we ought to have a new chief of police, for one thing. He thought that Chief Johnson was honest but he could not be handled, and that we ought to get somebody in there that could be handled.

Mr. HALLEY. What other changes did he want in the police force?

Mr. COHN. Well, he wanted some district captains moved around; that was at a later time. He wanted some personnel changes. He wanted persons belonging to the Fifteenth Street Club, his club, to be given jobs, civilian jobs, on the police department, and seemed to think, or at least infer the fact, that it was with Governor Smith's O. K. and approval.

I told him that Governor Smith would have to tell me to make all of those changes. He seemed to think that the Governor would tell me, or he would see that the Governor told me.

Mr. HALLEY. What other conversation was there at that time?

Mr. COHN. Well, I told him "absolutely no," that I was not going to make any changes; I was not for his program; that if he wanted me to be on his team he better call me in there for batting practice, not at the eighth or ninth inning, and that I was not going along. He didn't want "no" for an answer, and wanted to know if I would meet him again, and after I had reported this event to Dwight Bradley, who

was then in charge of the FBI there, and some other friends who were interested in good government in Kansas City, they urged me to keep meeting with Binaggio, and see what the program was, and to stay in there and uphold the law and keep the city clean.

Mr. HALLEY. Did you have another conversation with Binaggio?

Mr. COHN. Yes. I met with Binaggio later.

Mr. HALLEY. Who was present at the third occasion?

Mr. COHN. At that time Charlie asked me who I wanted. I said, "I would like to have Mr. J. L. Tuck Milligan there. He is president of the board."

Mr. HALLEY. When and where did you meet with him?

Mr. COHN. At Rosenberg's office a few days after my first conversation.

Mr. HALLEY. What happened?

Mr. COHN. Well, I happened to get to the office first, and Binaggio repeated the fact that he thought we ought to have a new chief of police and so forth. I told him that I felt that he was more fair with me than Mr. Milligan. At least he told me what the program was.

Mr. HALLEY. What had Mr. Milligan done?

Mr. COHN. He told me nothing other than we ought to have Higgins in there, have a new chief of police.

Mr. HALLEY. Was there any further conversation between you and Binaggio before Milligan came?

Mr. COHN. No. We just started talking when Mr. Milligan arrived.

Mr. HALLEY. What was the conversation after Milligan arrived?

Mr. COHN. As I recall, Binaggio said, "Tuck, you had better get along with Bob here. We need him. You had better tell him what the program is."

Mr. HALLEY. Did he use those words?

Mr. COHN. Yes. I think I am quoting it almost verbatim.

Mr. HALLEY. What happened then?

Mr. COHN. Milligan said he would, that he would get along with me and let me know prior to his board meetings what the program was, and so forth.

Mr. HALLEY. Was there any discussion at this meeting of what the program was?

Mr. COHN. No, not—I gathered Mr. Milligan knew what it was. I don't think he reiterated anything. There wasn't anything about reopening any joints, if that is what you mean. I think we did discuss probably a new chief of police at that time.

Mr. HALLEY. That is important. Did you at that time with Milligan and Binaggio in Rosenberg's office—

Mr. COHN. I want to be fair about it. We may not have at that time. It might have been on some other occasion.

Mr. HALLEY. How long was Milligan there?

Mr. COHN. I don't think the conference lasted too long. I would say 10 or 15 minutes. I may have left Mr. Milligan there or he may have left me there. I can't tell. I don't recall now who left the conference first.

Mr. HALLEY. So all that was done with relation to Milligan was that Milligan was asked to get along with you.

Mr. COHN. Yes; that is correct.

Mr. HALLEY. What happened next? Was there another conversation with Binaggio?

Mr. COHN. There were several on the phone. I told him that I didn't approve of any of those things, that I just wasn't going along.

Mr. HALLEY. Did you get a phone call after that from Pat Noonan?

Mr. COHN. Yes: some weeks later I received a call from Pat Noonan, and Pat and I served in the One Hundred and Tenth Engineers together in World War I and were good friends and still are. He wanted me to meet him at the Phillips Hotel. I agreed to meet him and shortly after I arrived Charlie Binaggio came in. The question at that time for discussion was patronage. Pat stated, as he stated here, very frankly that he believed in the two-party system and he thought that to the victor belonged the spoils. He seemed to think not only the Democrats, but the Binaggio Democrats should get the jobs, as I understood it.

Mr. HALLEY. What jobs were you talking about?

Mr. COHN. We had about 135 civilian jobs at the time. Most of them were of a technical nature and it would be awfully hard to replace them.

Mr. HALLEY. Was there any talk about the personnel director of the force?

Mr. COHN. Yes; I believe so. I don't remember definitely, but they wanted some changes made in key positions.

Mr. HALLEY. Was there talk about a certain police captain?

Mr. COHN. I don't believe at that time, I don't believe so.

Mr. HALLEY. What other conversation was there?

Mr. COHN. I explained that under the State law, the Kansas City Police Department was State-controlled and these jobs were all more or less under the merit system, that you just couldn't move these people around and these civilian employees could not engage in politics and were subject to the same law as the law-enforcement officers. I told them it was impractical and it just couldn't work out. I tried to discourage both Pat Noonan and Charlie Binaggio from playing with the police department. I told them they had better stay away from it because John Lazia got burned some years before.

Mr. HALLEY. During this period were suggestions made about replacing Chief Johnston by Braun?

Mr. COHN. That may have occurred prior to the conference with Mr. Noonan.

Mr. HALLEY. Will you tell the committee about the suggestions with reference to Braun?

Mr. COHN. I think the original suggestion came to me from Mr. Milligan, if I remember correctly. He thought we should have a new chief of police. He thought that there were cliques in the police department. Johnston might have been a Republican. I thought he was a good traffic man and gave a lot of reasons why they should have a new chief of police. I think Mr. Milligan said he didn't know Braun personally, but he was recommended. He had been on the department before and had been a captain. He thought he would make a good chief.

Mr. HALLEY. Did he know who had recommended Braun?

Mr. COHN. Well, I don't recall now. Somebody told me—it may not have been at this particular time—I understand that Braun had

been recommended to the police department originally by a lawyer by the name of Edgar Shook in this town. I don't know if Mr. Milligan had spoken to Mr. Shook, whether he had been discussing the position of chief or not.

Mr. HALLEY. Did Binaggio ever urge you to appoint Braun?

Mr. COHN. Yes. He did. He led me to believe that Braun was his man, that he could be handled. He told me that he would stand for Chief Johnston going back as head of the traffic department.

Mr. HALLEY. What did Mr. Farrell say to you about Braun?

Mr. COHN. Mr. Farrell never discussed Mr. Braun with me or anybody else.

Mr. HALLEY. Just Binaggio and Milligan?

Mr. COHN. That is right.

Mr. HALLEY. Did Milligan continue to support Braun or did he then change his position?

Mr. COHN. No, sir. I believe Mr. Milligan suggested to Braun that he come to my office and be interviewed. I checked with Mr. Braun's present employer, extended the courtesy to him of interviewing him, and after going into his qualifications I told him frankly that he couldn't qualify under the law to be chief of police.

Mr. HALLEY. Did Milligan agree with you at that point?

Mr. COHN. Yes; he did.

Mr. HALLEY. What was the situation with regard to T. J. Higgins?

Mr. COHN. That occurred prior to the discussion of the chief. I think shortly after Mr. Milligan and Farrell were appointed, shortly after they were sworn into office, one of the first steps suggested by Mr. Milligan was the retention of T. J. Higgins.

Mr. HALLEY. In what capacity was he to be retained?

Mr. COHN. He was to be retained as consultant to the board of police commissioners.

Mr. HALLEY. Was he employed?

Mr. COHN. Yes.

Mr. HALLEY. Did you vote for his employment?

Mr. COHN. I not only voted for him, I think I made the motion that he be retained as consultant.

Mr. HALLEY. Did you think he would make a good addition to the police force?

Mr. COHN. Well, yes and no. I will have to answer that both ways. He was a good efficient officer. He served on the department previously. He had a good record. His system was that dealing with stool pigeons, which the police department hadn't used for a good many years. While he got into little difficulties during the home rule of the police department, still there was no reflection against him personally.

Mr. HALLEY. How long was Higgins kept in the department?

Mr. COHN. I think he got fired about 2 days before I did.

Mr. HALLEY. Did you take part in firing him?

Mr. COHN. Yes, I think I seconded the motion.

Mr. HALLEY. He was fired immediately after Farrell left, is that right?

Mr. COHN. I think at the first meeting that Elmo Hunter attended, one of Governor Smith's new board appointees, Mr. Higgins' job was abolished.

Mr. HALLEY. You and Chambers voted to let Higgins go?

MR. COHN. That is correct. I want to say this in all fairness. I don't want to be taking up a lot of time. At the time that Higgins was retained, Colonel Chambers and myself were not too anxious to go along on that, but there had been several unsolved murders, and the public generally were interested in solving them. We felt that with the background of Mr. Higgins, if we could just solve one of those murders, his services with the department would be well spent. We went along on that theory, not thinking later that it would cause the slipping of the morale of the department by Mr. Higgins' presence on the board. The local press apparently were very satisfied with the appointment on page 1 and not so satisfied on page 2, and editorially weren't satisfied with it at all, in the same edition of the paper.

MR. HALLEY. Did you have another conversation with Binaggio about the police department in June of 1949?

MR. COHN. Yes. He kept after me to see if I might still say yes, go along on some program. He called me and met me, drove in front of my home. He said it was very important, that he had to see me in the evening.

MR. HALLEY. This was in June of 1949?

MR. COHN. 1949; yes.

MR. HALLEY. Did you go to see him?

MR. COHN. Yes, I saw him. Of course he seemed to be very desperate. He told me that they were away behind schedule.

THE CHAIRMAN. Just a moment, Mr. Cohn. Was this in front of your house?

MR. COHN. That is right, Senator.

THE CHAIRMAN. In an automobile?

MR. COHN. In Charlie's automobile.

THE CHAIRMAN. At nighttime?

MR. COHN. Yes, dusk or nighttime.

THE CHAIRMAN. He came to your house and knocked on the door?

MR. COHN. No. He called and said he would be by in a few minutes. He lived out there in the neighborhood and I went out and looked for him.

THE CHAIRMAN. He honked his horn and you came out and sat in the automobile with him?

MR. COHN. That is right. I sat in the front seat with him. That was the scene where he told me they were away behind schedule. Here it was June and Smith had been elected in office since January and nothing had started to move. He was on the spot. The boys were on him. That he thought that Chamber's term would expire in July, but it looked like it was going to be October of that year, 1950. He sure wished I would change my mind. I told him that it was just useless to discuss it because I wasn't going to stand for opening up this town, not even an inch or two; that I was sorry, I didn't double-cross him in any way, that I made no commitments to him; I felt sorry, if any deals were made I sure wasn't in on them. He just pleaded like a man who was drowning. The first thing I knew, he reached in his pocket and threw a roll of bills at me. I just threw them back at him like they were a hot rivet, and nothing was said for a few moments. Then he said, "Are you mad at me?" I said, "No, but I am disappointed."

That is about the last time Charlie ever talked to me officially about anything.

Mr. HALLEY. Did you inspect the roll of bills at all?

Mr. COHN. No. It was dark and I didn't know what was in it. I know it was a roll of bills. It had a rubber band around it.

Mr. HALLEY. Was it a large roll?

Mr. COHN. Yes. I would say it was probably 3 inches—2½ inches, or 3 inches in diameter.

Mr. HALLEY. They were rolled up in a sort of cylinder?

Mr. COHN. Yes.

Mr. HALLEY. Did you see any of the bills?

Mr. COHN. Well, it looked like they were \$100 bills. I understand it was Charlie's habit to carry \$100 bills with him.

Mr. HALLEY. You just threw it right back?

Mr. COHN. That is right.

Mr. HALLEY. During this conversation was anything said about Binaggio's part in Governor Smith's campaign?

Mr. COHN. I don't know. There were several conferences. He gave every reason to believe he was the factional leader here and was entitled to patronage. He helped elect Governor Smith, he helped furnish the money, his friends did.

Mr. HALLEY. Did he say what friends?

Mr. COHN. No, he didn't mention any by name, but he felt that his organization should be taken care of, and the record will show that his group did get practically all the patronage that came out of Kansas City other than the police department.

Mr. HALLEY. You said he stated the boys were behind in their schedule and were making it hot for him.

Mr. COHN. That is right.

Mr. HALLEY. Did he give you some background so you knew what he was talking about?

Mr. COHN. No. Just generally. It would be just hearsay. I presume they were people who had contributed to the fund either by way of money or votes or expecting some political courtesy or patronage.

Mr. HALLEY. Did he make it clear that they expected the town to be opened up or did he not?

Mr. COHN. He made it clear he expected the town to open up, surely.

Mr. HALLEY. Was that the schedule he was referring to?

Mr. COHN. Surely.

Mr. HALLEY. With respect to this man Braun—did he ever tell you that he could handle Braun?

Mr. COHN. Yes, he told me he thought Braun would be the man, he could be handled, thought he would make a good chief of police, and one of the overtures, in one of them, he said Charlie indicated that we would have no trouble with out-of-town thugs or racketeers, that his organization would cooperate with the police department, that he wanted to help us, to keep the town clean.

Mr. HALLEY. At this conversation in your automobile did Binaggio mention Governor Smith at all?

Mr. COHN. No, I don't think he did then in that conversation.

Mr. HALLEY. Did he at any conversation?

Mr. COHN. What is that?

Mr. HALLEY. In any of his conversations?

Mr. COHN. Yes, when I indicated to him I was not going along, I think I brought Smith's name into it by telling him so long as I was on the police board, if there was going to be any change in the policy, the Governor was going to have to tell me and he indicated that he could get the Governor to tell me.

The CHAIRMAN. Did the Governor ever tell you to make a change in policy?

Mr. COHN. No, he did not, and every conversation I had with Governor Smith, his advice to me was that he wanted all of the laws enforced. In every instance that I have talked with the Governor.

Mr. HALLEY. When did you see the Governor?

Mr. COHN. Well, when this pressure was on, terrifically, now, all of this occurred that I have related, within a space between probably a few months. I was worried about whether I ought to take this heat or get off the police board, and a lot of my friends in the chamber of commerce, some of these businessmen, urged me to stay on for the sake of the city. I felt that there were some things going on that Governor Smith ought to know about. I have known Governor Smith for 25 years. I have always found him to be an honorable man. I still feel he is all right. And I just felt that there were things going on that he didn't know about and as a personal friend of his, I went to Jefferson City to see him. I made an appointment.

The CHAIRMAN. When was this?

Mr. COHN. That was on July 6, 1949.

The CHAIRMAN. Was that after this money had been thrown after you?

Mr. COHN. After all of these situations accumulated and I went down to Jefferson City and spent 2 hours with the Governor. I told him everything that had transpired, and he seemed to think, he gave every indication that he knew nothing about it. He seemed to think that there was political propaganda at the beginning, and I told him that it might have been political propaganda, but it was real now, and I just wanted to know what he wanted to do, and how he felt about it. He again reiterated that he expected his police board to run the police department and he made no comments to anybody, and he wanted us to enforce all of the laws.

Mr. HALLEY. He never asked you to do anything at all?

Mr. COHN. Absolutely not, and he denied the fact that Pat Noonan was his trouble-shooter, and had anything to do with it or was speaking for him.

Mr. HALLEY. You told the Governor all of the things that you have just told the committee?

Mr. COHN. That is right. That is right.

Mr. HALLEY. And did you have any other conversations with the Governor on July 6?

Mr. COHN. No. We spent 2 hours, he was very appreciative of me telling him what was going on, and he subsequently came to Kansas City and visited the police department over at the building, and I think that at that time he spoke to all of the members of the board, and with Chief Johnson and Chief Collins, our detective chief, told them all that he wanted the laws all enforced. At no time did the Governor ever issue any orders to the contrary.

Mr. HALLEY. Did you have any other talks with the Governor about this matter?

Mr. COHN. Well, when he called me down to fire me.

Mr. HALLEY. What happened then?

Mr. COHN. Well, he asked me for my resignation, and I refused to give it to him. I pointed out that the law provided how he could remove me if I was guilty of official conduct. He could file charges against me. And he said the heat was on, and that I did a good job as commissioner, but he wished I would resign, offered me one or two other places in his administration, and I would not accept them, so he fired me, and which I still think is getting rid of me illegally. The same thing applies to Colonel Chambers. We were both illegally removed.

Mr. HALLEY. Where was that he called you to, Jefferson City?

Mr. COHN. Yes; he called me there.

Mr. HALLEY. You saw him one time before that, after the shooting, when you all met down at the hotel and signed a statement joining with the Governor that you thought that you had a good police department.

Mr. COHN. Well, he made an investigation following the public clamor here that something be done, that the morale of the department was bad, and the public wanted something done. I think the Governor came down here. After all, Senator, I happened to be the minority member of the board. While I had a vote, I was a Republican, and I probably was not taken into all of the confidences that probably the other three members were. But we did agree, we did tell the Governor after he was here. He made an investigation, and from what he could learn he felt that the bull board was doing a good job, and we did sign a statement and cooperated with him in every way. At the time there was no reason for anything else. I mean there was not anything else justified other than to agree with the Governor there, because he said he had made an investigation. He was satisfied, after all, this was his responsibility, law enforcement in this community, especially the police department, and he was satisfied with his police board and the entire board.

Mr. HALLEY. Were there any other changes in the police department?

Mr. COHN. Well, there were a few changes made in some of the division heads or department heads.

Mr. HALLEY. They didn't go to the heads of the important uniform squads?

Mr. COHN. Now that you bring it up, I think there were some changes made in the vice squad, which was an important squad, what we are talking about here.

Mr. HALLEY. What changes were made, and when?

Mr. COHN. Well, I can't give you the dates, because I don't have any records, but I think in the latter part of 1949, I think the raiding squad was put under charge of Sergeant Kenney, I believe that was him. I don't know who was responsible for it. Of course, Chief Johnston made the appointments, but I had rumors as one of the commissioners that they were hanging around College Inn up here on Twelfth and Wyandotte.

Mr. HALLEY. Is that Spitz' place?

Mr. COHN. That is right. I understand the whole squad was hanging around in there, and that they didn't show much progress. Their activity report was not too good.

Mr. HALLEY. It was shortly after that, in fact, that Chief Johnson wrote his memorandum saying that the force was doing a poor job, that the work had slackened down; is that right?

Mr. COHN. I don't recall that.

Mr. HALLEY. Do you recall his memorandum of February 27, 1950?

Mr. COHN. I don't recall that memorandum.

Mr. HALLEY. Did any of the members of the police force join the Binaggio Democratic Club?

Mr. COHN. Well, we had heard rumors that some of the boys were joining that club. In fact, when the county grand jury was in session, which I think George Fisk was the chairman or foreman of that grand jury, I think the information was given to him that he might check some of the club records to see whether any of our police officers had joined the club. It was forbidden by law.

Mr. HALLEY. Did you ever check that?

Mr. COHN. No, we were unable to find out anything. Of course, shortly after the murder of Gargotta and Binaggio, I understand that some members of the police department or some official officers did obtain records to indicate that some of the police officers had joined the Fifteenth Street Club.

Mr. HALLEY. Was it your opinion that a great many had joined the club?

Mr. COHN. No, I would not say a great many. I would say not over 10 percent, if that much.

Mr. HALLEY. Ten percent might have, you think?

Mr. COHN. That is right.

Mr. HALLEY. Thank you. I have no other questions.

The CHAIRMAN. Mr. Cohn, you brought legal proceedings, you and Mr. Chambers, to protest the dismissal; that was denied in the supreme court of Missouri, is that correct?

Mr. COHN. That is correct. Colonel Chambers did not bring illegal proceedings. I was the only one that filed suit.

The CHAIRMAN. There are two things that I really do not understand, and that is you had an office as a member of the police board, did you not?

Mr. COHN. No; you mean official office?

The CHAIRMAN. Yes.

Mr. COHN. Senator, the board had offices in the police building.

The CHAIRMAN. That is what I mean.

Mr. COHN. Yes. But each commissioner did not have an office. We met in, I think we shared the office with the chief of police.

The CHAIRMAN. Anyway, there was a regular meeting place for the board?

Mr. COHN. Yes, the board had meetings.

The CHAIRMAN. You had a right to meet anybody there that you wanted to?

Mr. COHN. That is correct.

The CHAIRMAN. Then I don't see why you would be having meetings down at the Midland Lithograph Co. with some citizen. It

seems to me that if somebody had business to transact with you, and Mr. Milligan, or any other member of the board, that you would either ask them to come to your law office or meet them in the place where you did your business as a member of the police board, instead of having or going down to some place where you could not be seen together. What explanation do you have for that?

MR. COHN. Well, the only explanation that I gave, it was at the suggestion, after all, Charlie Binaggio was well known figure here in the community, and the newspapers had printed stories, there was a lot of rumors about what his organization was trying to do, and what they had been doing, and I could see nothing wrong, I surely didn't want Binaggio to walk into my office at any time.

THE CHAIRMAN. Do you not think it would have been better for him to have walked into your office than to get it out that you had been meeting him clandestinely?

MR. COHN. Well, I don't know. There are two ways of looking at that. I know that whatever I did, I did on the advice of counsel, counsel of friends, and it might have been poor judgment, but if Charlie Binaggio himself did not want to be seen with me, he did not or in my company.

THE CHAIRMAN. In your office then, in the department, any citizen would have a right to come in and talk with you and certainly there could not be any criticism but when you met him off somewhere else and that is found out, it does not look very good. You will admit that, won't you?

MR. COHN. Absolutely, and that is why certain people knew when these meetings were taking place, and knew the reason for it.

THE CHAIRMAN. Then the other part is that there has been a lot of good things said about the police department here, and I think that you have an honest, hard-working and I am sure efficient chief, but during the time that, even before Smith's election, a lot of places were operating more or less wide open in this city, Mr. Cohn, crap games and wire-service places, bookie joints. So that the police department was not perfect, and certainly did not have enough members even before this occurred.

MR. COHN. That is correct.

THE CHAIRMAN. So that it was not a matter of having the best police department in the world, tearing it down, because these places could not have operated unless there had been some infiltration among some of the policemen.

MR. COHN. That is correct. I think that existed for a good many years, Senator. I don't contend and never did contend that the police department—

THE CHAIRMAN. But it was better than it had been some years ago.

MR. COHN. That is correct.

THE CHAIRMAN. And even Chief Johnston recognized there had been some laxity in enforcement.

MR. COHN. I believe he did, sir.

THE CHAIRMAN. That is all I have, Mr. Cohn.

MR. COHN. Thank you.

THE CHAIRMAN. The committee will stand in recess until 1:30 o'clock at which time we will resume promptly.

(Whereupon, at 12:35 p. m., a recess was taken until 1:30 p. m., the same day.)

AFTERNOON SESSION

(Whereupon, at 1:45 p. m. the committee reconvened pursuant to the taking of the noon recess.)

The CHAIRMAN. The committee will come to order.

The committee is delighted to have Governor Smith, the Governor of this great State, present. He has accepted our invitation to come and make any statement he wishes. We appreciate your cooperation, Governor Smith.

The CHAIRMAN. Will you come around. We have a general rule to swear all witnesses.

Governor SMITH. I would like to be sworn.

The CHAIRMAN. Do you solemnly swear the testimony you will give this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Governor SMITH. Yes, sir.

**TESTIMONY OF HON. FORREST SMITH, GOVERNOR,
STATE OF MISSOURI**

The CHAIRMAN. Governor Smith, before being asked about any particular points of testimony that have been brought out, do you wish to make a general statement on any matter under investigation?

Governor SMITH. I know nothing at all about any testimony that has been brought out.

The CHAIRMAN. All right, sir. Will you proceed, Mr. Halley.

Mr. HALLEY. Governor Smith, there has been certain testimony of certain witnesses relating to events, first, before the election of 1948 and then to certain events after the election of 1948.

I shall attempt to summarize some of the testimony and ask you for your comments on it. I presume that is what you had in mind when answering the committee's invitation.

Governor SMITH. I would like to be helpful to the committee and back you in your investigation.

Mr. HALLEY. First, Governor, dealing with the testimony that the committee has had of events before the campaign as result of which you were elected Governor, the committee heard the testimony of Roy McKittrick, former attorney general of the State of Missouri, and he made a statement under oath on the witness stand, some of which I believe in certain form he had made publicly. I would like to ask you certain questions about them.

Did you have any discussion with Mr. McKittrick in the latter part of 1946 regarding the forthcoming campaign for Governor?

Governor SMITH. To my recollection I never saw Roy McKittrick in the year 1946.

Mr. HALLEY. Did you have any discussions with him in the year 1947?

Governor SMITH. Yes, sir.

Mr. HALLEY. Could you tell the committee when and where you had such discussions?

Governor SMITH. I think it was in September I had a letter from Roy McKittrick telling me he would like to see me the next time I was in St. Louis. I was down there a week or so after that and called him, and we had a discussion, at which time Roy McKittrick said he

wanted to run for the Senate in 1950 and wanted me to run for Governor, that he wanted a friend in the Governor's office when he ran for the Senate.

Mr. HALLEY. He put it to you that he wanted to run for the Senate?

Governor SMITH. He wanted me to run for Governor.

Mr. HALLEY. And he wanted to run for Senate?

Governor SMITH. He wanted to run for the United States Senate.

Mr. HALLEY. In what year was he planning to run for the Senate?

Governor SMITH. In 1950.

Mr. HALLEY. In 1950?

Governor SMITH. Yes, sir.

Mr. HALLEY. Where was that conversation? Was that on the street walking from the Mayfair Hotel?

Governor SMITH. It was not. It was in the Mayfair Hotel.

Mr. HALLEY. It was in the Mayfair.

Governor SMITH. In my room.

Mr. HALLEY. Did he come to your room?

Governor SMITH. Yes, sir.

Mr. HALLEY. He met you there at his request?

Governor SMITH. He had written me a letter that he wanted to see me the next time I was in St. Louis, and I called him and told him I was down there.

Mr. HALLEY. Do you have a copy of that letter, Governor?

Governor SMITH. No; I do not. I have it in my files.

Mr. HALLEY. Do you think it is in your files?

Governor SMITH. Yes.

Mr. HALLEY. Do you think you could have your office find it and transmit it to this committee?

Governor SMITH. I am satisfied I can. Now, I am not sure, because that was after we had moved. I think I have that correspondence. I don't know. All my correspondence that I had in my auditor's office before I came to the governor's office, I don't know whether I brought it all down there with me.

Mr. HALLEY. It could be understandable if it were not there, naturally, since you have moved considerably since, but if it is there will you make a copy available to the committee?

Governor SMITH. I will be glad to.

Mr. HALLEY. Or preferably let us borrow the original for a while.

Then was there any conversation at that time in the Mayfair Hotel concerning the financing of your campaign?

Governor SMITH. It wasn't even mentioned.

Mr. HALLEY. Was there any conversation about the particular factions who might support you and who might support McKittrick?

Governor SMITH. McKittrick at that time had no intention to run for governor as far as I know. He was urging me to run.

Mr. HALLEY. But he wanted support for the senatorial campaign.

Governor SMITH. He said he wanted a man friendly to him in the governor's office.

Mr. HALLEY. Did the name of Gully Owen come up at all?

Governor SMITH. No, sir.

Mr. HALLEY. It was not mentioned by either you or him?

Governor SMITH. It was not.

Mr. HALLEY. Did you during the course of the campaign, the primary fight in 1948, make any statement publicly about this alleged meeting?

Governor SMITH. No, sir; to my recollection I did not.

Mr. HALLEY. I think Mr. McKittrick has testified that some reporter asked him whether or not he had had a meeting with you, and you had asked him to support you, and I think at that time he made certain statements about it, particularly I think acknowledging that there was some trade in which he would run for the Senate and you would run for the governorship. Do you recall that statement by Mr. McKittrick concerning the primary campaign?

Governor SMITH. I have no recollection of it; no, sir.

Mr. HALLEY. You did not at that time issue any statement saying anything about the matter at all?

Governor SMITH. Absolutely not; no, sir.

Mr. HALLEY. He had the impression that you had.

Governor SMITH. In fact, at that time I hadn't made up my mind definitely that I was going to run.

Mr. HALLEY. I am talking about a later period now, during the primary fight. He says that I think Charles Binaggio called him up one day and said, "Are you going to make a big issue of this thing," and it occurred, he said, right after he had confirmed to a newspaper reporter that he and you had had a conversation prior to the primary and that there was some talk about his running for the Senate and your running for the governorship. Do you recall any public statement?

Governor SMITH. I made no such statement; no, sir.

Mr. HALLEY. You didn't deny it or confirm it or say anything about it?

Governor SMITH. So far as I know I never heard of such a statement.

Mr. HALLEY. He was quite definite on the publicity. Without regard to whether the thing had occurred, whether the facts had occurred, he was quite definite that some newspaper had carried an allegation from him.

Governor SMITH. Possibly so. I don't know. I couldn't say. I never saw it.

Mr. HALLEY. You never issued any statement yourself about it?

Governor SMITH. I never saw such a statement.

Mr. HALLEY. And you never commented on any such statement?

Governor SMITH. No, sir.

Mr. HALLEY. When did you first hear that Roy McKittrick made a statement saying that you asked him for his support for the governorship and promised that in return you would support him for the senatorial office?

Governor SMITH. I never heard of Roy McKittrick making such a statement before.

Mr. HALLEY. Before just yesterday?

Governor SMITH. Until just now. You said so.

Mr. HALLEY. Until just now. That had never come to your attention before.

Governor SMITH. No, sir.

Mr. HALLEY. In any event he did come to the Mayfair Hotel at his request, and he did ask you to support him for the Senate in 1950?

Governor SMITH. No, sir; that is not correct.

Mr. HALLEY. He did not?

Governor SMITH. That is not correct.

Mr. HALLEY. What did he do?

Governor SMITH. He wrote me that he wanted to see me the next time I was in St. Louis, and I was down there and called him and he came over there and said he would like to run for the Senate in 1950 and he wanted me to run for Governor.

Mr. HALLEY. Did he ask you for your support when he ran?

Governor SMITH. He just stated he wanted a man friendly in the Governor's chair when he ran.

Mr. HALLEY. Did he offer to support you for Governor?

Governor SMITH. He said "I couldn't be defeated if you support me."

Mr. HALLEY. What happened next with regard to your relationship with Roy McKittrick? This is the month of September 1947?

Governor SMITH. I would say a month or so later I met him, I think it was on the street near the Mayfair Hotel, and we talked a while.

Mr. HALLEY. What did you talk about on that occasion?

Governor SMITH. About the race. At that time he stated that he had some friends that were urging him to run for Governor, but that he wasn't going to, he was going to support me.

Mr. HALLEY. Did you have any further conversations with him about the governorship?

Governor SMITH. No, sir; I would say not.

Mr. HALLEY. When did you file for the office?

Governor SMITH. On the 14th day of February.

Mr. HALLEY. 1948?

Governor SMITH. That is correct.

Mr. HALLEY. At that time McKittrick also had filed, is that right?

Governor SMITH. I couldn't tell you. I don't think so.

Mr. HALLEY. He filed a little after you.

Governor SMITH. Maybe he had. I am unable to say.

Mr. HALLEY. Were any efforts made to your knowledge to get McKittrick to withdraw from that gubernatorial race?

Governor SMITH. Absolutely none from me.

Mr. HALLEY. None from you.

Were any made that you knew about, whether for you or not?

Governor SMITH. No, sir.

Mr. HALLEY. Did you talk to anybody about the possibility of McKittrick getting out of the race?

Governor SMITH. I absolutely did not.

Mr. HALLEY. Did he represent serious opposition in the primary race?

Governor SMITH. I didn't think so, and—

Mr. HALLEY. I am sorry. Were you going to say something else?

Governor SMITH. No.

Mr. HALLEY. Would his withdrawal from the race have resulted in the costs of the primary fight throughout the State being considerably less?

Governor SMITH. Absolutely not.

Mr. HALLEY. There were other candidates?

Governor SMITH. Two others.

Mr. HALLEY. Who were they?

Governor SMITH. Dan Nee and Mr. Cox.

Mr. HALLEY. They stayed right in the fight throughout to the election, is that right?

Governor SMITH. They did.

Mr. HALLEY. At what time during the period leading up to the primary did you first obtain the support of Charles Binaggio?

Governor SMITH. I can't exactly tell you that. I can tell you when he first told me he was going to support me.

Mr. HALLEY. Would you do that?

Governor SMITH. What is it?

Mr. HALLEY. Would you say that?

Governor SMITH. That was along, I would say, in November 1947. I think it was. I met him as I was going in the Phillips Hotel. At that time I did not know Charlie Binaggio's name. As I was coming in I met him and two other fellows.

Mr. HALLEY. Who were the other people?

Governor SMITH. I couldn't tell you.

Mr. HALLEY. Who introduced you to Binaggio?

Governor SMITH. No one.

Mr. HALLEY. You knew him by sight?

Governor SMITH. I knew him by sight but did not know his name.

Mr. HALLEY. You had met him before?

Governor SMITH. Not as I know of. I have seen him around Kansas City and knew he lived up here, but I did not know his name.

Mr. HALLEY. You mean in November of 1947—

Governor SMITH. I would say it was November. It could have been October. No; I am satisfied it was along in November.

Mr. HALLEY. This was a familiar face but you didn't know who it was.

Governor SMITH. I did not know his name.

Mr. HALLEY. Did he introduce himself?

Governor SMITH. No, sir. He just told me that he hoped I would run for Governor, that he was going to support me, and he stated—

Mr. HALLEY. Would you finish?

Governor SMITH. He stated the reason he was going to do it was because he was going to take Pendergast, and everybody realized I was a winner, and by him taking me it would help him in his slate against Pendergast.

Mr. HALLEY. At that time did you know that he was the chairman of an important Democratic club?

Governor SMITH. I did not.

Mr. HALLEY. When he told you those things did you ask him who he was to make such a statement?

Governor SMITH. I did not. I asked the young lady at the desk who that young fellow was.

Mr. HALLEY. Did you learn who he was then?

Governor SMITH. She told me who he was.

Mr. HALLEY. What did you do about it then, having learned who it was who had promised you that support?

Governor SMITH. I did nothing.

Mr. HALLEY. Did you have a subsequent meeting with Binaggio?

Governor SMITH. I didn't see him any more until, I would say, in March the next year.

Mr. HALLEY. That was still before the primary?

Governor SMITH. Yes, sir.

Mr. HALLEY. Where did you see him in March of 1948?

Governor SMITH. I saw him in front of the hotel, Phillips Hotel.

Mr. HALLEY. Was that a chance meeting again?

Governor SMITH. It was.

Mr. HALLEY. Was there any conversation?

Governor SMITH. Yes, sir. He asked me how I was getting along in my race and stated that he was getting along fine up here in his slate to beat Pendergast.

Mr. HALLEY. He again affirmed that he was supporting you?

Governor SMITH. He did.

Mr. HALLEY. Between November and March had you checked up on whether you were receiving support from Binaggio?

Governor SMITH. I had not.

Mr. HALLEY. Had you made any attempt to find out what Binaggio was doing about the race?

Governor SMITH. I had not.

Mr. HALLEY. Mr. Noonan testified here that he is an old friend of yours, and also a good friend of Charles Binaggio.

Governor SMITH. Who is that?

Mr. HALLEY. Noonan, Pat Noonan.

Governor SMITH. Yes, sir. Pat Noonan is my friend.

Mr. HALLEY. He is an old friend of yours; is he not?

Governor SMITH. Yes, sir; from World War I.

Mr. HALLEY. He did testify he has known Binaggio also for very many years.

Governor SMITH. I don't know what he testified to.

Mr. HALLEY. I understand that, but I think you would want to know it because he has said that he tried and made efforts to get Binaggio to support you. Did you ever discuss with Noonan Binaggio's support of your candidacy?

Governor SMITH. I would say "No" and "Yes"; only indirectly as to the support of the different people up here in Kansas City that were supporting me.

Mr. HALLEY. During this period prior to the primary did you keep in close touch with Pat Noonan?

Governor SMITH. No closer than anyone else, I presume.

Mr. HALLEY. How often did you see Noonan during that period.

Governor SMITH. Not over seven or eight times until the primary, from the first of the year until the primary.

Mr. HALLEY. You would say you saw Noonan only seven or eight times?

Governor SMITH. Not any more than that, no.

Mr. HALLEY. Were any of those extended meetings or were they short meetings?

Governor SMITH. They were short meetings.

Mr. HALLEY. Were you alone with him on these occasions or were they in groups?

Governor SMITH. I would say they were chiefly in groups. When I would drop in here there would be a number of people up in my room and he would be up there discussing conditions generally.

Mr. HALLEY. Did you from time to time see Noonan up at Jefferson City?

Governor SMITH. I would say "No."

Mr. HALLEY. He had an apartment there; is that right?

Governor SMITH. As far as I know he did not.

Mr. HALLEY. You were never in it if he did?

Governor SMITH. I never have; no, sir.

Mr. HALLEY. Did Noonan ever arrange an appointment between you and Binaggio at the Phillips Hotel?

Governor SMITH. Never.

Mr. HALLEY. Did you ever attend a meeting at the Phillips Hotel with you and Binaggio and Noonan?

Governor SMITH. No, sir; just the three of us, no, sir.

Mr. HALLEY. Did you ever attend a meeting with Henry McKissick and Binaggio and yourself and Noonan?

Governor SMITH. No, sir.

Mr. HALLEY. Was there no meeting at which Binaggio's support of your candidacy was discussed with Binaggio in Noonan's presence?

Governor SMITH. Other than just a group standing around in the lobby there when I would come in from over the State some place and they would ask me how I was getting along and would say everything is in good shape in Jackson County; just general discussion.

Mr. HALLEY. You mean in the lobby of a hotel?

Governor SMITH. That is right.

Mr. HALLEY. With a group of unselected people?

Governor SMITH. That is right.

Mr. HALLEY. Did you have no meetings with Charles Binaggio prior to the primary election?

Governor SMITH. Other than the ones I have just told you about.

Mr. HALLEY. Did you ever have a meeting in a room in the Phillips Hotel prior to the primary election?

Governor SMITH. Well, I had a room there. There would be a number come up there in the evening.

Mr. HALLEY. Did Binaggio ever come up there?

Governor SMITH. He has been there; yes, sir.

Mr. HALLEY. This is prior to the primary election.

Governor SMITH. Yes, sir.

Mr. HALLEY. And when he went up there, did Noonan, was Noonan with him?

Governor SMITH. He may have been there a time or two.

Mr. HALLEY. I believe Noonan has testified that he took Binaggio and Henry McKissick to see you at the Phillips Hotel prior to the primary for the purpose of obtaining Binaggio's backing for your candidacy. Do you recall that?

Governor SMITH. No, sir; I do not.

Mr. HALLEY. So far as you know, there was no such meeting?

Governor SMITH. Because in November, prior to that, Binaggio told me he was going to take me, because it would help him in his slate here in Jackson County. He had already told me he was going to support me.

Mr. HALLEY. You know John Hendren, of course.

Governor SMITH. Certainly.

Mr. HALLEY. He managed your primary campaign?

Governor SMITH. He did.

Mr. HALLEY. Mr. Hendren testified here that at the outset of the primary campaign, Mr. Binaggio was out for McKittrick and was backing McKittrick, and that some place during the course of the campaign Binaggio changed his position. Do you have any recollection on that?

Governor SMITH. I know nothing at all about that.

Mr. HALLEY. Of course, you see, Governor, the matter is of some importance to this committee, because I know you are at a considerable handicap not being familiar with the testimony, but there has been some testimony from which the inference might be drawn, not necessarily, but might be drawn, that Binaggio made certain efforts to control the police department here in Kansas City, and that in some way your office might have been used, or attempts might have been made to use it, and the purpose—

Governor SMITH. I will stop you right there. There is absolutely no truth in that.

Mr. HALLEY. You never permitted your office to be used in any way to enable Mr. Binaggio to obtain control of the police department of Kansas City.

Governor SMITH. Absolutely not, and I think you ought to call every police commissioner I have appointed in the State of Missouri, and ask them that pointed question.

Mr. HALLEY. We have heard two of the commissioners.

Governor SMITH. I have given every police commissioner that I have ever appointed only one instruction, and that is to enforce all laws, fairly and impartially, and that is the only instruction I have given any police commissioner or any other law officer that I have appointed.

Mr. HALLEY. They all have so testified, Governor. They all have stated exactly that.

On the other hand, there has been certain testimony that Binaggio, and from time to time in Mr. Noonan's presence, and in the presence of others, made efforts to see to it that the board of police commissioners would go along with him on programs which have been characterized as programs for an open city, or to open the city a little wider than it was.

Did any such thing ever come to your attention as Governor?

Governor SMITH. It never did, and actions speak louder than words. I don't know what has been testified to here, but the actions of the police department show that they never have done that.

Mr. HALLEY. Did Commissioner Chambers ever go to you and have a talk with you about the police department?

Governor SMITH. Yes, sir.

Mr. HALLEY. Did you write to him and ask him to come to Jefferson City?

Governor SMITH. I did.

Mr. HALLEY. On that occasion did he tell you that he thought that efforts being made by politicians to control the police department were having a bad effect on the morale of the police force?

Governor SMITH. I think he did, and I told him that was all the more reason they should be alert.

Mr. HALLEY. Did he tell you of efforts that Charles Binaggio was making to get him to change the chief of police and do other things?

Governor SMITH. No, sir; he did not; I don't think. My recollection Charlie Binaggio's name was not mentioned in my conversation with him.

Mr. HALLEY. Do you recall that he testified—perhaps it would be fairer if I just stated this: He has testified that 2 or 3 days before he received a letter from you, Charles Binaggio told him he was going to be called up to Jefferson City to see the Governor, and he has testified that when he received your letter 2 or 3 days later he was quite taken by that, and he mentioned the fact to you.

Governor SMITH. He did.

Mr. HALLEY. Do you recall that?

Governor SMITH. Yes, sir; that is correct.

Mr. HALLEY. In that connection, did he mention Binaggio's name?

Governor SMITH. My recollection, he did not, only in that way he said that Charlie had told him that. He said I must have a leak in my office, because Charlie had told him a few days before that he is going to get a letter from me. I wrote the letter because I was asked by someone, one of the senators down there, to invite Chambers down; said Chambers wanted an excuse to come to Jefferson City, the legislature is in session, and so I, trying to be a good fellow, I just wrote him a letter and told him to come down, I would like to talk with him.

Mr. HALLEY. You do not recall who suggested that?

Governor SMITH. It was one of the senators or representatives up here in Jackson County. I could not tell you which one it was.

Mr. HALLEY. When Chambers came to see you and talked about the morale of the police force, do you recall that he did mention that, that there was some political pressure, and he thought the morale was bad?

Governor SMITH. He did say there is some pressure being brought on the board, no more so than it had been for several years since he had been on the commission.

Mr. HALLEY. Didn't he mention that the pressure stemmed from Binaggio?

Governor SMITH. I don't remember that he ever mentioned Binaggio's name except in reference to that letter.

Mr. HALLEY. But didn't he go so far as to urge that you issue a statement saying you had called him up there in an attempt to get him to resign; and he refused to do so—that it would help morale, showing that you allowed him to be independent?

Governor SMITH. I have no recollection of such a thing.

The CHAIRMAN. The point was that prior to the time Mr. Chambers came over to see you, he testified that Mr. Binaggio was trying to get him to go along with certain changes, and looser police system here in Kansas City, that he had refused to go along and Binaggio was inferring that it would be agreeable with the Governor if he would do that, and that as part of the same transaction, that it was the same transaction to show he had influence with the Governor, that he told him several days before he received the letter inviting him to come up there, that Governor Smith is going to ask you to come up there.

Governor SMITH. Yes.

The CHAIRMAN. So, his natural inference was that he thought you might be familiar with what Binaggio was trying to do, because he had

advance information that you were going to call him into Jefferson City?

Governor SMITH. I have no idea how he——

The CHAIRMAN. He further stated when he got to Jefferson City that he did not give you a chance to start the conversation, that he started right out telling what the situation was and, as I remember his testimony, that you just didn't say anything about it at all, one way or the other, did not give him any instructions, but that he took it that he was to go on as he had in the past, and resist any efforts on the part of anybody to take over or to weaken the police department.

That was one of the things that made him think that Binaggio knew whereof he was speaking, because he gave him this advance information about the letter going to come from you.

Governor SMITH. I told him that is all the more reason why they should be vigilant up there.

Mr. HALLEY. About a month before Chambers came to see you, did Commissioner Bob Cohn come to see you during June of 1949?

Governor SMITH. Along about that time Commissioner Cohn was down there.

Mr. HALLEY. Do you recall whether Commissioner Cohn asked for the appointment or whether you sent for him?

Governor SMITH. I believe he was down there on other business and came over there.

Mr. HALLEY. And what did Cohn talk to you about, Governor?

Governor SMITH. About the police department up there.

Mr. HALLEY. What did he have to say to you?

Governor SMITH. He told me that the conditions, the morale of the department was higher and better now than it had been since he had been on the board, and he further stated that he had been offered money, now, he left this impression with me, didn't say when, shortly after he went on the board.

Mr. HALLEY. Offered money by whom?

Governor SMITH. I asked him. He said it was night, and he could not tell who it was. The man called him out in his home, but he thought it was Charles Binaggio.

Mr. HALLEY. He said he thought it was Charles Binaggio?

Governor SMITH. Yes, sir.

Mr. HALLEY. Did he tell you that efforts had been made to get him to appoint a police commissioner of Binaggio's choosing?

Governor SMITH. No.

Mr. HALLEY. A chief of police, I am sorry.

Governor SMITH. No, no. He just said he had been offered money to loosen up the town, and I asked him how much money had been offered, and he said he could not tell. It was at night and he could not see.

Mr. HALLEY. Didn't he make quite a point of wanting to see you to discuss what he thought was a serious situation in the police department?

Governor SMITH. He did. I guess by coming down there; yes, sir.

Mr. HALLEY. He didn't just drop in casually because he was in Jefferson City, did he?

Governor SMITH. It was my understanding that he did. I could be wrong about it.

Mr. HALLEY. I think he testified that he arranged a special meeting at which he could slip into your office secretly without being seen.

Governor SMITH. I don't know whether he slipped in there secretly or not. I don't know a thing about that, because those arrangements would be made with my secretary.

Mr. HALLEY. But he did arrange a meeting?

Governor SMITH. He arranged a meeting.

Mr. HALLEY. And he came up and he told you about an offer by somebody.

Governor SMITH. That is right.

Mr. HALLEY. Somebody having tried to give him some money.

Governor SMITH. Yes, sir.

Mr. HALLEY. And did he also tell you that Binaggio had met him on four or five or six occasions and tried to induce him to fire the chief of police and appoint a man named Braun?

Governor SMITH. He did not.

Mr. HALLEY. He did not tell you anything about that?

Governor SMITH. No, sir.

Mr. HALLEY. Did he tell you about his having been approached by Pat Noonan, and talked to Noonan on the subject of patronage in the police department?

Governor SMITH. He did not.

Mr. HALLEY. He brought none of that to your attention?

Governor SMITH. No, sir; no name was mentioned. He said there was an effort made to change certain personnel in the police department.

Mr. HALLEY. When Chambers came to you a month later, and this question came up of Chambers having been told by Binaggio in advance that he was going to be called to your office, did you associate with that the fact that this second police commissioner had something to say about Binaggio, the fact that there might be some serious trouble brewing in your police department here in Kansas City?

Governor SMITH. I asked him if there was any friction on the board, and he said not. I told them if that was true, that is all the more reason why they should be more vigilant and careful.

Mr. HALLEY. Wasn't there very serious friction between Cohn and Milligan?

Governor SMITH. Not that I know of. Cohn didn't tell me anything about it.

Mr. HALLEY. Milligan was a very old and good friend of yours, was he not?

Governor SMITH. Boyhood friend.

Mr. HALLEY. And your neighbor?

Governor SMITH. Yes, sir.

Mr. HALLEY. And you appointed him to the board as your appointee?

Governor SMITH. Yes, sir; that is right.

Mr. HALLEY. What instructions did you give him?

Governor SMITH. The same as I gave all of them, that all laws should be enforced fairly.

Mr. HALLEY. Did Milligan ever tell you that he had a meeting with Binaggio and Cohn at the office of a man named Herman Rosenberg?

Governor SMITH. No, sir.

Mr. HALLEY. There has been testimony by Cohn that at the meeting Binaggio urged Cohn and Milligan to stop having disputes among themselves and to get together. Did you ever hear of such a thing?

Governor SMITH. No, sir.

Mr. HALLEY. And you never heard of any disputes or friction between Cohn and Chambers and Milligan?

Governor SMITH. No, sir. They have always told me they have got along very well.

Mr. HALLEY. Did it never come to your attention that there were two factions on the board, one consisting of Farrell and Milligan, and the other consisting of Cohn and Chambers?

Governor SMITH. No, sir; no, sir.

Mr. HALLEY. And that Charles Binaggio was exerting every effort to get either Chambers or Cohn to play ball with him?

Governor SMITH. No, sir.

Mr. HALLEY. That never came to your attention?

Governor SMITH. No, sir.

Mr. HALLEY. Even though Cohn came to see you and told you about the bribe offer by Binaggio?

Governor SMITH. He said nothing about any friction on the board.

Mr. HALLEY. None of this came to your attention at all?

Governor SMITH. No, sir.

Mr. HALLEY. What did you understand was the purpose of Cohn's visit, Governor?

Governor SMITH. More or less a friendly call when he was down there in Jefferson City, and to advise me how the board was getting along.

Mr. HALLEY. Could it be that anything he told you about this roll of bills being thrust at him was just in the nature of anecdotal material?

Governor SMITH. As I got it from him, that was all offered before I even came in as Governor. That was shortly after he went in as police commissioner.

Mr. HALLEY. I don't think so.

Governor SMITH. That is the impression I got from him.

Mr. HALLEY. His testimony is different.

The CHAIRMAN. He testified, I think, Governor Smith, that on July 6, 1949, after he had had several previous meetings with Binaggio and Binaggio had urged him to make certain changes and to loosen up and put in some of his recommended people in positions, finally in a sort of last desperate effort to get a better break with the police board through Mr. Cohn he called him up at his home about dusk and asked if he could come over to see him a minute and he came over in his automobile and blew his horn. Whereupon, Mr. Cohn came out and sat down in the front seat with him. Binaggio again tried to prevail upon him to play ball with him and to give him a break, saying that it had been some time now and the program had not gotten along, that the pressure on him was very heavy, the boys were squawking, I suppose referring to the boys who wanted an open city here in Kansas City, and wouldn't he please reconsider and do something to loosen up the police board or the attitude toward him and the activities in Kansas City. Mr. Cohn told him that he would not and there wasn't any use talking about the matter any further.

Finally, he just threw a roll of bills about 2½ or 3 inches in diameter, which he thought were \$100 bills, at him, but he threw them right back at him and that was the end of their meetings.

He determined on that night that he was going to go over and tell you about the whole thing, and when he first came to see you, I think a couple of days after that, which would have been July 8 or 9 or 10, 1949, the first thing he told you was; "Governor, there has been a lot of rumor about this, and some people have been calling it rumors, but I am here to tell you that it is a fact that this effort to break down the police department is no longer in the rumor stage."

Then he proceeded to tell you about everything that had been going on.

I think that is a fair summary of what he has testified.

Governor SMITH. He left the impression with me——

The CHAIRMAN. But he told you definitely it was Binaggio who was after him, and it was Binaggio who came to see him 2 or 3 nights before, and that was the immediate reason why he thought he had better go over to see you.

Governor SMITH. He didn't tell me. He left the impression with me that this occurred shortly after he went on the board. I don't know what else he told you, but I told him if that was true, that was all the more reason why they should be more careful up here.

The CHAIRMAN. I think I should say in fairness to Mr. Cohn that he did testify that you told him to go on and enforce the law. I think those were the words that he used.

Mr. HALLEY. Did you have any discussions with Charles Binaggio after your election?

Governor SMITH. I have never talked to Charlie Binaggio an hour in my whole life.

Mr. HALLEY. Either alone or in the company of other people?

Governor SMITH. That is right, all told.

Mr. HALLEY. Did you see him between the date of your election and your inauguration?

Governor SMITH. No, sir.

Mr. HALLEY. Not at all?

Governor SMITH. I don't think I did.

Mr. HALLEY. When did you first see him, if at all, after you were inaugurated?

Governor SMITH. I saw him back in Washington when I went to the inauguration of the President.

Mr. HALLEY. Did you have a conversation with him?

Governor SMITH. I did not.

Mr. HALLEY. You just said "hello."

Governor SMITH. I just spoke to him.

Mr. HALLEY. No discussion of the State business or city business?

Governor SMITH. No, sir.

Mr. HALLEY. When did you see him next?

Governor SMITH. I would say it was in February that he came in my office.

Mr. HALLEY. What did he want?

Governor SMITH. He wanted to see what a governor's office looked like, he said. He came in there with five or six other people.

Mr. HALLEY. Who was with him, Governor?

Governor SMITH. Senator Wyman, Senator—it has slipped my mind now, another senator here in Kansas City. I will tell you in a minute. And Henry McKissick, and I believe a representative by the name of Keating, Senator Keating.

Mr. HALLEY. What discussion was there at that time?

Governor SMITH. Not much of anything, except they just said, he and Judge McKissick just said they wanted to see what the Governor's office looked like. They weren't in there 3 minutes.

Mr. HALLEY. Was there any discussion whatever of business, political or official?

Governor SMITH. No, sir.

Mr. HALLEY. No discussion about the State government or the city government?

Governor SMITH. It wasn't mentioned.

Mr. HALLEY. Was there any discussion of politics?

Governor SMITH. No, sir; I would say not.

Mr. HALLEY. Did you see Charles Binaggio after that occasion?

Governor SMITH. Yes, sir.

Mr. HALLEY. Where did you next see him, do you remember?

Governor SMITH. In my office.

Mr. HALLEY. Did he come to see you again?

Governor SMITH. Yes, sir.

Mr. HALLEY. Was he alone?

Governor SMITH. No. He had another fellow with him.

Mr. HALLEY. Who was with him then?

Governor SMITH. I have forgotten the fellow's name. He introduced me. I have forgotten. It was kind of unpronounceable name to me. They asked me where would be a good place to go fishing. They were going down on the lake.

Mr. HALLEY. Was there any discussion of any official matters on this occasion?

Governor SMITH. Not a thing. That is all that was said. I told them where to go.

Mr. HALLEY. Did you see him again after that?

Governor SMITH. Yes, sir. He came in my office when he was down there interested in the cigarette tax and asked me if I couldn't help him get it passed. I told him I could not, that I wasn't in favor of the cigarette tax, that I had been informed by the court up here that Jackson County didn't need any more money.

Mr. HALLEY. Was there any discussion of anything besides the cigarette tax on that occasion?

Governor SMITH. That is all.

Mr. HALLEY. Was there any further meeting between you and Binaggio after that?

Governor SMITH. Yes, sir.

Mr. HALLEY. Can we try to fix the date? About what year or period was the discussion of the cigarette tax?

Governor SMITH. It was in 1949 when the legislature was in session. It was in the middle of the summer.

Mr. HALLEY. Then when did you see Charles Binaggio next?

Governor SMITH. I called him down there and asked him to help pass the gasoline tax.

Mr. HALLEY. When did you call him to Jefferson City?

Governor SMITH. That was in February.

Mr. HALLEY. 1950?

Governor SMITH. Yes, sir.

Mr. HALLEY. Would you state the circumstances under which you felt that you needed his help and that he could help?

Governor SMITH. I just told him how badly we needed additional money for our highway department and that I noticed in the papers that other organizations up here were for it and I would like to have his support.

Mr. HALLEY. How could he help you? Did you know?

Governor SMITH. By voting for it.

Mr. HALLEY. Was he a member of the legislature?

Governor SMITH. No, sir. It already had been passed by the legislature, and we have a referendum in Missouri. It had been referred to the people and was to be voted on in April.

Mr. HALLEY. In the April election of 1950?

Governor SMITH. That is correct.

Mr. HALLEY. You wanted to have the votes which he could influence for that?

Governor SMITH. That is right.

Mr. HALLEY. What did he have to say about that?

Governor SMITH. He said it would be a hard thing to put over because they had an election a week before for an extra school levy up here. He said, "You know everybody is against an increase in taxes." He said, "It will be a very difficult thing to put over."

Mr. HALLEY. Was there any discussion of any other matters?

Governor SMITH. Nothing.

Mr. HALLEY. Did you see Binaggio again after the February meeting?

Governor SMITH. I did not.

Mr. HALLEY. You knew of Binaggio's political position, I presume.

Governor SMITH. I don't know what you mean by that.

Mr. HALLEY. There has been testimony by Pat Noonan and I think others that Binaggio controlled perhaps thirty or thirty-five thousand votes here in Kansas City or could influence them. Did you have any knowledge of that?

Governor SMITH. I think that is overexaggerated.

Mr. HALLEY. You think it is?

Governor SMITH. Yes, sir.

Mr. HALLEY. Did you think that his Democratic Fifteenth Street Club was an important and influential club in Kansas City?

Governor SMITH. It had some votes.

Mr. HALLEY. Did it have enough votes to make it more important than other clubs in decisive matters in Kansas City?

Governor SMITH. Well, I thought it would on that road election.

Mr. HALLEY. Who else did you call in to get help from on the road election?

Governor SMITH. I asked the leaders up here. I asked Henry McKissick and I asked Frank Shannon. The papers said that Jim Pendergast had announced that he was going to be for it. I talked with Roger Sermon in Independence.

Mr. HALLEY. Is Sermon here in Kansas City?

Governor SMITH. Independence.

Mr. HALLEY. In Independence?

Governor SMITH. Yes, sir.

Mr. HARLEY. But in Kansas City you spoke then to Binaggio and McKissick is, of course, the president of Binaggio's club.

Governor SMITH. And Frank Shannon.

Mr. HALLEY. And Frank Shannon. Did you speak to anyone else in Kansas City?

Governor SMITH. I did not.

Mr. HALLEY. Where did you get your information about Binaggio and whatever political power or ability Binaggio had? Apparently you never talked to him about it.

Governor SMITH. I had no information about him.

Mr. HALLEY. Did you get information from Pat Noonan?

Governor SMITH. Pat said that Binaggio had some votes, certainly.

The CHAIRMAN. Governor Smith, what was Pat Noonan's position with you or with your campaign?

Governor SMITH. Nothing at all except——

The CHAIRMAN. I might say he has testified that he has been working in politics and has been a friend of yours, as you have said, for a long time, that he has always supported you, and he has been working in politics for many, many years, and that in your campaign, being a good friend of yours and a close friend of Binaggio's he helped get him for you and also that he went around all over the State, that he went over to St. Louis and met Binaggio over there, that he raised a little money to pay his own expenses here and there as if he were the roving representative for you in getting all these forces lined up together. He testified that he consulted with you frequently and after the election was over he felt that to the victor belonged the spoils and if he was to be the spokesman for your group in Jackson County, he wanted to see Binaggio over here on patronage and anything else that he wanted.

That is about the size of it. I wish you would tell us just what the relationship with Pat Noonan was.

Governor SMITH. Nothing other than a friend for years.

The CHAIRMAN. I mean did you authorize him or ask him to go out and perhaps in this unofficial way represent you?

Governor SMITH. I asked him to support me. I asked him to check on different people at different times as to whether they were for me.

The CHAIRMAN. Then you did know that he was traveling the State and spending most of his time going to see ward leaders and political leaders?

Governor SMITH. No, sir; I did not because I saw him only seven or eight times, as I told you.

The CHAIRMAN. I know, but——

Governor SMITH. I just asked him to check on different individuals.

The CHAIRMAN. You received reports, I guess, from time to time that Pat was out in the field helping you in any way he could.

Governor SMITH. That is right.

The CHAIRMAN. How about the patronage matters after the election was over? Did Mr. Noonan have any authority or any right to represent you or try to arrange patronage matters on your behalf?

Governor SMITH. No, sir; he did not.

The CHAIRMAN. And then another point is, who did you look to in Jackson County and in Kansas City for the matter of patronage

and advice? In other words, who did you consider your representative over here?

Governor SMITH. Myself, because of my acquaintance with people.

The CHAIRMAN. I know, but I mean all of us in politics in a certain county have a certain person we look to or certain group of persons, sometimes we have a committee, and sometimes we have two or three people that we take advice from, and that we leave matters of patronage up to. Was it Binaggio or Shannon or McKittrick or a committee, or did you just make up your mind on matters over here as you went along?

Governor SMITH. I made up my mind on matters over here myself.

The CHAIRMAN. You listened to all of them and then made up your own mind.

Governor SMITH. That is right.

The CHAIRMAN. All right, Mr. Halley.

Mr. HALLEY. Did you ever talk to Noonan about the patronage at all?

Governor SMITH. Some little, yes.

Mr. HALLEY. Was that before or after your election?

Governor SMITH. It would be after the election.

Mr. HALLEY. And what was the discussion?

Governor SMITH. Well, he asked me to put a woman in the labor commission.

Mr. HALLEY. Did he ever ask you to appoint Robert Cohn, the police commissioner, to the board of elections?

Governor SMITH. No, sir; because Cohn was appointed. He was on there when I went on.

Mr. HALLEY. He was on the board of police commissioners.

Governor SMITH. That is right and his time would not yet have been out had he served his time out.

Mr. HALLEY. That is correct, Governor, but there has been some discussion in testimony by Cohn, and partially substantiated by Noonan, that Noonan went to Cohn and said, "I have talked to the Governor about the possibility of giving you the Republican vacancy on the board of elections, and do you want it? Do you recall whether there was a Republican position?"

Governor SMITH. There was absolutely never such a conversation.

Mr. HALLEY. You never had any talk of that kind with Noonan?

Governor SMITH. No, sir.

Mr. HALLEY. Did Noonan ever come to you and report that he had had a conversation with Cohn about the board of elections?

Governor SMITH. No, sir.

Mr. HALLEY. So far as you knew from the day you were inaugurated until the difficulty over Binaggio's death there was never any talk about Cohn resigning from the board of police commissioners?

Governor SMITH. Absolutely not; no, sir.

Mr. HALLEY. Who recommended to you the appointment of Mr. Farrell to the board of police commissioners?

Governor SMITH. I don't know as anyone did.

Mr. HALLEY. How did you pick him?

Governor SMITH. Because he is my friend. I had known him for years.

Mr. HALLEY. And what were his qualifications for that job?

Governor SMITH. I think they were good. I would not have appointed him if I had not thought so.

Mr. HALLEY. He was a hotel man; is that right?

Governor SMITH. That is right.

Mr. HALLEY. Wasn't he widely known to favor a wide open town?

The CHAIRMAN. Opening up some.

Mr. HALLEY. Opening it up some.

Governor SMITH. I could not tell you that. His reputation when he was on the council up here was to the contrary.

Mr. HALLEY. You think he did not like the idea of having the town opened up.

Governor SMITH. I could not tell you about that. I don't know.

The CHAIRMAN. Did you discuss that matter with him before you appointed him, Governor Smith?

Governor SMITH. Other than I just told him I was going to expect all of the laws to be enforced.

The CHAIRMAN. He says very frankly that he is in favor of the opening of the town so that he thinks people come here, that they want to have a little gambling or something to do, and that has always been his position on the police, that is his point of view on the police board, and the inference being that that is what Charlie Binaggio wanted also, and to that point at least, why, there was this break, and so I just ask if you had discussed the matter with Mr. Farrell, or if you knew that to be his viewpoint.

Governor SMITH. I did not discuss it with him before I appointed him.

Mr. HALLEY. There has been a lot of talk about the spoils system in politics. Do you personally believe in it?

Governor SMITH. I don't know what you mean by the spoils system.

Mr. HALLEY. Mr. Noonan testified at some length that the faction in Kansas City which supported you, that would be the Binaggio faction, he testified—

Governor SMITH. Well, every faction up here has supported me except the Pendergast faction.

Mr. HALLEY. Well, he pointed out that Mr. Binaggio's faction was probably the most important faction. Would you say that?

Governor SMITH. I would not.

Mr. HALLEY. Well, let us confine it then as against different factions, let us see, will you state what your views are as to Republicans and Democrats, after you won the governorship in 1948, was it your view that the Republicans who held jobs in the police department should be removed from office?

Governor SMITH. There were not many of them removed.

Mr. HALLEY. That is true.

Governor SMITH. That ought to answer your question.

Mr. HALLEY. The testimony here is that they were not removed only because Chambers and Cohn resisted very strongly.

Governor SMITH. I can't help what the testimony is. If I had asked them to make the changes, the changes would have been made. That is what I am trying to emphasize. The facts ought to be stronger convincing evidence to you than idle talk. The facts will not justify your contention.

Mr. HALLEY. You never, at any time, subscribed to the views expressed by Mr. Noonan that the Democrats having won the election, the Republicans should be thrown out of the police department?

Governor SMITH. I told the board when I appointed them in my first conference with them that no change was to be made without discussing it with me, and I wanted them to get their feet on the floor, and if there is any chaff in there, to weed it out. If they had good competent honest men, to keep them.

Mr. HALLEY. Did anybody come to you and discuss the possibility of removing Chief of Police Johnston?

Governor SMITH. No, sir.

Mr. HALLEY. Did you know that that was an issue in your police commission for almost the entire year of 1949?

Governor SMITH. No, sir.

Mr. HALLEY. That never came to your attention?

Governor SMITH. No, sir.

Mr. HALLEY. At all?

Governor SMITH. No, sir.

Mr. HALLEY. Did you appoint a police commissioner named Holzhousen in St. Louis?

Governor SMITH. I did.

Mr. HALLEY. Who recommended him to you?

Governor SMITH. I don't know as I can tell you. I just took a number of names that were suggested to me, like up here and made my selection.

Mr. HALLEY. Who suggested the names to you in St. Louis?

Governor SMITH. Dozens of different people suggest names to me.

Mr. HALLEY. Did Mr. Seswiche make any suggestions?

Governor SMITH. No, sir.

Mr. HALLEY. You received no suggestion from him at all?

Governor SMITH. I did not, in spite of what has been said about it.

Mr. HALLEY. But you did get certain names submitted to you, is that right?

Governor SMITH. That is right.

Mr. HALLEY. Were names submitted to you here in Kansas City?

Governor SMITH. Yes.

Mr. HALLEY. Who submitted names to you in Kansas City?

Governor SMITH. Different people.

Mr. HALLEY. Could you state who they were?

Governor SMITH. A number of people suggest names to me.

Mr. HALLEY. And were a number of names besides Mr. Farrell and Mr. Milligan suggested?

Governor SMITH. They were.

Mr. HALLEY. And your reason for taking Mr. Farrell and Mr. Milligan were what, could you state?

Governor SMITH. For personal reasons, because they are my friends.

Mr. HALLEY. Did anybody recommend Mr. Farrell to you?

Governor SMITH. No, sir.

Mr. HALLEY. He was purely your personal choice?

Governor SMITH. Yes, sir.

Mr. HALLEY. Recommended by nobody.

Governor SMITH. No one at all; before I appointed him I discussed it with Captain Milligan to see whether he knew him or whether he would work harmoniously with him.

Mr. HALLEY. Did anybody urge you to get the resignation of Commissioner Holzhausen?

Governor SMITH. Never.

Mr. HALLEY. In St. Louis?

Governor SMITH. Never.

Mr. HALLEY. Did Charles Binaggio ever come to you or send word to you that Holzhausen was refusing to go along on appointments, that he wanted him removed?

Governor SMITH. No, sir.

Mr. HALLEY. Did you ever hear anything about any friction involving Commissioner Holzhausen in St. Louis?

Governor SMITH. No, sir. So far as I know that board works just as harmoniously as I thought this board up here was working.

Mr. HALLEY. Who was in charge of your election campaign? Mr. Hendren?

Governor SMITH. Yes, sir.

Mr. HALLEY. Did you keep in close touch with the funds which were contributed to your campaign?

Governor SMITH. No, sir; I did not.

Mr. HALLEY. In whose hands did you leave that?

Governor SMITH. Mr. Hendren, Mr. Ragland handled that, I think.

Mr. HALLEY. Did Mr. Hendren ever discuss with you a contribution of \$2,000 from Mr. Molasky in St. Louis?

Governor SMITH. Not until it came out in the paper of some hearing back there in Washington.

Mr. HALLEY. You didn't know that \$2,000 had been contributed?

Governor SMITH. I did not.

Mr. HALLEY. Did you know Mr. Molasky?

Governor SMITH. I did not.

Mr. HALLEY. Did you know his business?

Governor SMITH. No, sir.

Mr. HALLEY. You had no knowledge of him whatsoever.

Governor SMITH. I don't know anything about him.

Mr. HALLEY. Did Mr. Hendren convey to you the fact that Mr. Molasky desired to suggest the appointment of Mr. Shenker, Morris Shenker, for police commissioner in St. Louis?

Governor SMITH. No, sir.

Mr. HALLEY. He didn't convey that to you at all?

Governor SMITH. No, sir.

Mr. HALLEY. And that he had said he didn't think you would possibly accept such a recommendation, because of Mr. Shenker's large criminal practice.

Governor SMITH. I don't know what he said.

Mr. HALLEY. He didn't tell you a thing about it.

Governor SMITH. No, sir.

Mr. HALLEY. Did you know anything about the employees' fund in the State auditor's office?

Governor SMITH. Yes, sir.

Mr. HALLEY. There has been testimony that 2 percent of every employee's salary was deducted for a fund which was characterized as, I think, flower fund, and used for various purposes, picnics and flowers and places where cash was needed, but that 1 percent, half of the fund, paid over into the State committee, the Democratic State

committee treasury. Did you have any knowledge about that when you were State auditor?

Governor SMITH. That has been a custom going on for years and years down there.

Mr. HALLEY. And you just carried on the custom.

Governor SMITH. We continued to; yes.

Mr. HALLEY. And that was done by Mr. Ragland, who was assistant State auditor?

Governor SMITH. One of the employees in my office.

Mr. HALLEY. He was in charge of that fund?

Governor SMITH. It is a voluntary proposition. Everybody didn't pay it.

Mr. HALLEY. The 2 percent was pretty general, was it not, almost mandatory deduction, was it not?

Governor SMITH. It was not.

Mr. HALLEY. Didn't the great majority of the employees have the 2 percent deducted?

Governor SMITH. They did.

Mr. HALLEY. Was it called to your attention that the money remaining in that fund which was not very great, a matter of five or six hundred dollars, at the time when the primary campaign fund was paid over into your primary fund, and that the State employees' flower fund and the primary funds were commingled. Was that called to your attention?

Governor SMITH. You will have to state that over. I don't know exactly what you say.

Mr. HALLEY. Mr. Ragland said that this flower fund was kept and 1 percent paid over, you know, to the State committee, and 1 percent kept for various expenditures, and then about the beginning of 1948, when the campaign, primary campaign, got under way, he took whatever was left in the flower fund, and used it for the expenses of the primary campaign, and in fact mingled it with other contributions, to the primary campaign, treating it all as one fund.

Governor SMITH. Well, if he said so, I guess that is correct.

Mr. HALLEY. Did you know that fund, that flower fund was being used in your primary campaign?

Governor SMITH. I paid no attention to finances.

Mr. HALLEY. Did you personally receive any contributions paid into your hands directly?

Governor SMITH. Yes, I did.

Mr. HALLEY. What was the system you used with them?

Governor SMITH. Turned it over to Mr. Ragland.

Mr. HALLEY. With the statement of who gave you the money?

Governor SMITH. Yes.

Mr. HALLEY. And then he would report them in his books, is that right?

Governor SMITH. I presume so.

The CHAIRMAN. Governor Smith, after Binaggio and Gargotta were killed, testimony is, I think, that you came over and first asked Mr. Farrell to resign, or maybe he did resign, and then that you met with the remaining members of the board, or perhaps with all of the members, it may have been before he resigned, and issued a statement expressing confidence in the police or the police department. That was correct, was it not?

Governor SMITH. Yes, sir.

The CHAIRMAN. Then apparently the chamber of commerce here first suggested that all the commissioners should resign or you should discharge them all. Then they later suggested that you should discharge Milligan and Farrell. How did you happen to discharge the whole board?

Governor SMITH. All I know about that later suggestion is just idle talk like has been going around over the State since I have been elected about all this stuff you have been questioning me about. They requested that I change the board, and other people told me the same thing, that the board, while they were good men, this happening caused the general public to lose confidence and it would be better to get a completely new board.

The CHAIRMAN. To whip them all out.

Governor SMITH. Yes, sir.

The CHAIRMAN. In fairness to the chamber of commerce we have at least seen a letter here where they did take those two different positions. First, they thought the whole thing should be changed; and the second, that just the two should be changed. I don't know if you got the letter or not, but there is such a letter.

Governor SMITH. My information I got from everybody up here was that the best thing to do was to make a complete new change.

The CHAIRMAN. I think it should be said that the people here seem to be very happy with the board you have now. I don't know the gentlemen.

Governor SMITH. I hope you will call them in here and see if I haven't given them the same instructions that I gave the first board.

The CHAIRMAN. We have had two members of the old board testify. They all testified in closed hearings. We are planning to have the other two testify before us here.

Governor Smith, there is one other bit of testimony that has been brought out that I wanted to ask you about, and that is that Mr. McKittrick stated that when he was weighing the matter of whether to run for Governor or not, he wanted to get Binaggio's support, but Binaggio said he was going to support you. Then Binaggio offered him substantial amounts of money if he would get out of the race and run for attorney general or public office of some other kind. Had you heard or did you know or hear anything about that? Was any of that brought to your attention?

Governor SMITH. Only by reading it in the newspapers.

The CHAIRMAN. Much after it had happened.

Governor SMITH. Yes, sir.

The CHAIRMAN. There wasn't anything in the newspapers about it at the time of the campaign, was there?

Governor SMITH. It seems to me like it was some 3 or 4 or 5 months after that happened before he said anything to the newspapers. I could be wrong, but it was several months afterward.

The CHAIRMAN. Anyway, it wasn't during the campaign when that was stated.

Governor SMITH. It might have been said at the close of the campaign.

The CHAIRMAN. Do you have anything else, Mr. Halley?

Mr. HALLEY. No.

The CHAIRMAN. Governor Smith, do you have any other statement or suggestion that you wish to make in connection with the matter?

Governor SMITH. Yes, sir. I would like to state that since I have been Governor I have never been approached directly or indirectly by anyone asking me to relinquish or to lessen on law enforcement. I think that Missouri today is freer of crime and organized gambling than it has been for years, since I have been Governor. I think actions certainly speak louder than these idle words that people have been saying about gamblers trying to influence me or any of my employees to lessen law enforcement, because it just hasn't happened. Nobody has even directly suggested such a thing to me.

The CHAIRMAN. Is there anything else you want to add? We would appreciate it.

Governor SMITH. No, sir; other than I think if I can be of any help to you in what you are seeking, I will be glad to do it. We are interested in the State of Missouri, and as long as I am Governor all the laws are going to be honestly and fearlessly enforced, like they have been.

The CHAIRMAN. We appreciate your courtesy to the committee and your cooperation in coming and giving us this information and in commenting on the testimony of some witnesses that has been introduced here. We are sorry that this inconvenienced you.

Governor SMITH. That is all right.

The CHAIRMAN. But we do appreciate it, Governor.

Governor SMITH. I appreciate the opportunity of coming up here and telling you what I know.

The CHAIRMAN. Is Mr. Farrell here? Will you come around, Mr. Farrell? Do you solemnly swear the testimony you will give this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. FARRELL. I do.

The CHAIRMAN. All right, Mr. Halley, let's get down to the point here.

TESTIMONY OF SHERIDAN E. FARRELL, KANSAS CITY, MO.

Mr. HALLEY. What is your full name?

Mr. FARRELL. Sheridan E. Farrell.

Mr. HALLEY. And your address?

Mr. FARRELL. I have two addresses, one in the Phillips Hotel and the other at 2446 Elmwood.

Mr. HALLEY. What is your business?

Mr. FARRELL. Hotel business.

Mr. HALLEY. You manage the Phillips Hotel?

Mr. FARRELL. Yes, sir.

Mr. HALLEY. Were you in 1949 appointed to the Board of Police Commissioners of Kansas City?

Mr. FARRELL. I was, yes, sir.

Mr. HALLEY. By Governor Forrest Smith?

Mr. FARRELL. By Governor Smith.

Mr. HALLEY. How long did you serve?

Mr. FARRELL. I would say about 11 months.

Mr. HALLEY. Prior to your being appointed had you supported Governor Smith in the campaign for governorship in 1948?

Mr. FARRELL. Yes, sir.

Mr. HALLEY. Had you been known as a man who favored a comparatively open town?

Mr. FARRELL. Well, I wouldn't put it that way, but I will tell you, gentlemen, I hate to hear these people say they are against certain things—I can't do any cussing, but they do lie a lot when they say they are against gambling. I am not against it. I don't shoot craps. I don't even know how to play poker. I don't think I shot crap over six or seven times in my life. When I hear these big men come up and say they are against gambling when I know they do every night or most of the time gamble to a great extent, against some poor little guy who shoots crap for 10 or 15 cents——

Mr. HALLEY. Of course what we are talking about is these gambling houses about which the committee has had testimony in its closed sessions and will in its sessions here, in which people gamble for much more than 10 or 15 cents in professional games. I think you testified at the closed session that you were for a certain amount of that.

Mr. FARRELL. That is right.

Mr. HALLEY. Would you elaborate on what you mean by a certain amount of gambling?

Mr. FARRELL. I feel as though in a metropolitan city of this size we should have some night clubs where they would have a little gambling. I don't mean big games, but friendly games in there, dancing, and have a little enjoyment in life. I have been in the hotel business for over 30 years. I do know that people do like to go into these night clubs and have a little fun. And gamble, too, a little bit.

Mr. HALLEY. Were you ever out to the Green Hills Club?

Mr. FARRELL. Yes; I think I was there once.

Mr. HALLEY. When Binaggio had it?

Mr. FARRELL. I didn't know he had it or not.

Mr. HALLEY. Did you see him there?

Mr. FARRELL. No.

Mr. HALLEY. They had gambling there. Is that the kind of thing you favor?

Mr. FARRELL. Well, yes, in a way. I don't know whether that is a good place or not. I was only out there once.

Mr. HALLEY. Yes, it is a good place now. It is a perfectly decent place.

Mr. FARRELL. It was more on the type of a night club where they have orchestra and dancing and a little casino room where they want to shoot craps or play poker. I think it should be legalized, but keep out the racketeers.

Mr. HALLEY. Of course, it isn't legalized, is that right?

Mr. FARRELL. It isn't, that is right.

Mr. HALLEY. You have been known to favor that sort of thing. You have made no bones about it, is that right?

Mr. FARRELL. That is right.

Mr. HALLEY. When you were appointed to the board of police commissioners, did you have a discussion with the Governor?

Mr. FARRELL. Yes; I did.

Mr. HALLEY. What did he say to you and what did you say?

Mr. FARRELL. He told me—I thanked him, appreciated him giving me the appointment to this position. He said, "Farrell, when you go up there, I tell you one thing, that we will not allow any gambling in Kansas City. We want a good police department. We want control under good supervision and it is going to have to be that way or we will have to make a change.

Mr. HALLEY. When did you first hear that the Governor was contemplating appointing you?

Mr. FARRELL. I think it was up to the last minute, because they had four or five people's names on the slate down there. I had known this Governor about 25 or 30 years. I was also very friendly with him. He always stayed at our hotel.

Mr. HALLEY. Were you one of the candidates for the job or did it come as a surprise to you?

Mr. FARRELL. It really wasn't a surprise because I had asked for it.

Mr. HALLEY. Who had you asked for it?

Mr. FARRELL. The Governor himself.

Mr. HALLEY. Had you gone up to Jefferson City and seen him and asked him for the job?

Mr. FARRELL. No, at the hotel.

Mr. HALLEY. What had you told him?

Mr. FARRELL. I said I would like to have one of those jobs in the police department or election board.

Mr. HALLEY. Why did you want to go on the police department, Mr. Farrell?

Mr. FARRELL. I was in the city council for 4 years here. I think the record will speak for itself. I was still in politics to some extent. Either one was all right with me, the election board or the police department.

Mr. HALLEY. Were you a friend of Charles Binaggio?

Mr. FARRELL. Yes; I was.

Mr. HALLEY. How long had you known him?

Mr. FARRELL. I would say 20 or 25 years.

Mr. HALLEY. Have you ever been to any of the gambling places he ran?

Mr. FARRELL. Truthfully, you see, I didn't even know he ran a gambling place.

Mr. HALLEY. You knew he was in the gambling business.

Mr. FARRELL. No; I didn't, absolutely not.

Mr. HALLEY. What did you think was Binaggio's business?

Mr. FARRELL. I didn't know. He was in the soft-drink business.

Mr. HALLEY. Soft-drink business?

Mr. FARRELL. Yes.

Mr. HALLEY. Where was he in the soft drink business?

Mr. FARRELL. Orange crush or orangeade. I think he was in the liquor business. I think he was in insurance. I didn't know exactly what business he was in.

Mr. HALLEY. Did you ever hear of the Coates House?

Mr. FARRELL. Yes.

Mr. HALLEY. That is a gambling place run by Gizzo, is that right?

Mr. FARRELL. I don't know. I have never been there in my life.

Mr. HALLEY. Do you know Tony Gizzo?

Mr. FARRELL. Yes, very well.

Mr. HALLEY. Where did you meet him?

Mr. FARRELL. Around the hotel, different places.

Mr. HALLEY. You know him very well?

Mr. FARRELL. Yes.

Mr. HALLEY. Did you know Charlie Gargotta?

Mr. FARRELL. Yes.

Mr. HALLEY. Was he a good friend of yours?

Mr. FARRELL. I wouldn't say too good a friend. I only met him occasionally but I knew him for many years.

Mr. HALLEY. He was a good friend of Binaggio's, was he not?

Mr. FARRELL. I think so.

Mr. HALLEY. In the period before you became police commissioner did you ever discuss your desire to become a police commissioner with Charlie Binaggio?

Mr. FARRELL. There might have been several of them together and I might have said something to him about it. I think he helped me with it.

Mr. HALLEY. How did he help you?

Mr. FARRELL. By asking the Governor. I don't know whether he did or not.

Mr. HALLEY. Were you in the room about half an hour ago?

Mr. FARRELL. Yes.

Mr. HALLEY. You heard the Governor testify?

Mr. FARRELL. Yes, sir.

Mr. HALLEY. When did Binaggio ask the Governor to help him?

Mr. FARRELL. I say I don't know whether he did or not. I say he might have. I asked the Governor myself. I said "I would like to be in one of those positions, the board of police commissioners or the election board."

Mr. HALLEY. What did Binaggio do? You said he helped you.

Mr. FARRELL. No; I didn't. I said he might have.

Mr. HALLEY. He knew you wanted to be on it?

Mr. FARRELL. Yes; I told him I wanted to be on one of those jobs. I belonged to the Fifteenth Street organization. I am a member of it.

Mr. HALLEY. You are a member of the Binaggio Club?

Mr. FARRELL. That is right.

Mr. HALLEY. Had you discussed with McKissick your desire?

Mr. FARRELL. Yes; I talked to Henry McKissick about it.

Mr. HALLEY. When did the Fifteenth Street organization first decide to support Forrest Smith for Governor?

Mr. FARRELL. I don't know. I would say the first I knew about that was when they were for McKittrick originally.

Mr. HALLEY. Yes?

Mr. FARRELL. I think Henry McKissick still was for Forrest Smith. Later I heard—I was in the room once. They had a meeting out there just once, and they were going for Forrest Smith.

Mr. HALLEY. When was that?

Mr. FARRELL. The Fifteenth Street Club.

Mr. HALLEY. No, when was the meeting where they decided to go for Smith?

Mr. FARRELL. I don't remember just what date it was.

Mr. HALLEY. How far into 1948?

Mr. FARRELL. I would say about 6 months before the primary.

Mr. HALLEY. About 6 months. Early in 1948?

Mr. FARRELL. That is right.

Mr. HALLEY. Prior to that time Binaggio at least was for McKittrick, is that right?

Mr. FARRELL. That is what I think.

Mr. HALLEY. Did you ever have any talk with Binaggio about why he switched?

Mr. FARRELL. No; I didn't.

Mr. HALLEY. Was it understood that Forrest Smith would be easier to get along with?

Mr. FARRELL. I couldn't answer it that way either because I know Forrest Smith for many years and I thought he was a grand person.

Mr. HALLEY. Who were you for originally?

Mr. FARRELL. Forrest Smith also.

Mr. HALLEY. You were never for McKittrick?

Mr. FARRELL. Never.

Mr. HALLEY. Had you supported Forrest Smith in his previous campaign?

Mr. FARRELL. I always did.

Mr. HALLEY. You were a Smith man.

Mr. FARRELL. Yes, sir.

Mr. HALLEY. Did you help persuade Binaggio to go for Smith?

Mr. FARRELL. I don't think so. I never had very many conversations with him.

Mr. HALLEY. Who persuaded Binaggio to go for Smith?

Mr. FARRELL. I could not answer that.

Mr. HALLEY. Were you present at any meeting between Binaggio and Smith?

Mr. FARRELL. Binaggio and Smith? No, I was not; no.

Mr. HALLEY. You never attended any meeting in the Phillips Hotel at which Binaggio and Smith were present?

Mr. FARRELL. No. Let's see now, I think at the Boyle dinner they were both there.

Mr. HALLEY. When was that?

Mr. FARRELL. I was there, too. I don't know what the date was, at the auditorium.

Mr. HALLEY. That was after the election, though, wasn't it?

Mr. FARRELL. Yes.

Mr. HALLEY. On the board of police commissioners was there some discussion about removing Chief Johnston?

Mr. FARRELL. Yes, there was.

Mr. HALLEY. Did you want Johnston removed?

Mr. FARRELL. Well, the Governor said there has been a lot of murders up there in Kansas City, none of them have been solved, he said, "We should take our time and look over the field very thoroughly and decide for ourselves what we should do about it," and the fact that we did have 29 unsolved murders in Kansas City, it looked to me like the chief of police has authority and as boss of the police department should have done something about it. There was not one of the captains or anyone changed in the organization. These murders went on, none was solved, and then when I come out, I think I was the first one to suggest, "Chief, you are changing all of the class A and B patrolmen all over the place, but you are leaving the captains in their same

positions," and I think the captain of any police department should be held responsible for what happens in his district. Don't you?

Mr. HALLEY. Did you urge the removal of Johnston?

Mr. FARRELL. I didn't urge it; no, sir.

Mr. HALLEY. Did you or one of the commissioners—did you propose it?

Mr. FARRELL. I was ready to cooperate with the replacement of Johnston with someone.

Mr. HALLEY. Did you discuss the replacement of Johnston with Binaggio?

Mr. FARRELL. Never did.

Mr. HALLEY. Did you discuss it with Cohn?

Mr. FARRELL. Who?

Mr. HALLEY. Cohn, your fellow commissioner.

Mr. FARRELL. Yes, I think I did. Cohn said, "Farrell, I think we ought to go in there and get someone out of the ranks"—there was some talk about Braun. I didn't even know Braun, never heard of him before, didn't know him. I haven't to this day seen him.

Mr. HALLEY. Did Binaggio ever talk to you about it?

Mr. FARRELL. Never did, never did.

Mr. HALLEY. Did you support Higgins' appointment to the board?

Mr. FARRELL. Yes, I did. I think Tom Higgins is one of the greatest detectives in America.

Mr. HALLEY. How long had you known him?

Mr. FARRELL. About 40, or 30 years, anyhow.

Mr. HALLEY. Was he a friend of Binaggio?

Mr. FARRELL. I could not answer that.

Mr. HALLEY. Did he belong to the club?

Mr. FARRELL. I doubt it.

Mr. HALLEY. You doubt it?

Mr. FARRELL. Yes.

Mr. HALLEY. And were there meetings between you and Cohn for the sake of discussing the question of whether Cohn would go along with the program of yours and Milligan?

Mr. FARRELL. The only meeting is one time we had a discussion about changing the chief of police, and put him back in the traffic, which he was very good on. There had been safe blowings and hold-ups and nothing done, nothing but parking tickets being distributed, and no hold-up men or racketeers being caught. I said, "I think we ought to make a change."

I heard Cohn's testimony here but he didn't say anything about that. I suggested I thought Harold Anderson would be a good man because he was chief at one time and a good one.

Mr. Milligan and I and Cohn, we talked this over one time and I don't think Mr. Milligan—of course he can answer that—but what he knew of this Braun, but I did look up his record. He had been a captain, I think, for about 12 years, and as far as I know, he had a good record.

Mr. HALLEY. Were you for Braun?

Mr. FARRELL. I went for him, yes, but I didn't know him, only from his record.

Mr. HALLEY. Wasn't he known as Binaggio's candidate?

Mr. FARRELL. Well, now, I never did hear Binaggio say anything about him, never did.

Mr. HALLEY. Did you ever discuss him with Binaggio?

Mr. FARRELL. Never did, because it all dropped—up and dropped that quick.

Mr. HALLEY. During the period while you were commissioner, did Binaggio ever discuss with you changes in the other personnel of the department?

Mr. FARRELL. Well, several times, yes, but I think I was the originator of the idea of changing some of the captains around. I still think it should be done.

Mr. HALLEY. Which captains did you want to change?

Mr. FARRELL. All of them, switch them around to different—

Mr. HALLEY. Did you want to change Captain Kircher?

Mr. FARRELL. All of them.

Mr. HALLEY. He was in charge of the downtown district.

Mr. FARRELL. That don't make no difference where he is in charge of.

Mr. HALLEY. You wanted to change Lieutenant Dennison, of the vice squad.

Mr. FARRELL. Yes.

Mr. HALLEY. Why did you want to change these people?

Mr. FARRELL. In the first place, Dennison told me one day, "Mr. Farrell, I am working 48 hours a day." "There are not that many hours in a day," I said. "You do not have to work any longer than any policeman." He was here a little while ago. He was supposed to be, I think, on Youth Movement, or something which he did a good job on. Then they put him in charge of vice and youth, and he had something like 17 men working with him. I asked the chief why he would have to have 17 men, "when you are talking about having a shortage of men over in the police department? Why would the vice man have to have 17 men to operate his business?"

Mr. HALLEY. That is a good question. Were there enough to keep the vice down in town?

Mr. FARRELL. I didn't think there was any vice here, didn't have any record. The record shows they didn't have but very little.

Mr. HALLEY. The grand jury sat here shortly after that and found there were policy, dice, bookie games.

Mr. FARRELL. No, sir; there were not before that.

Mr. HALLEY. They ran up—

Mr. FARRELL. Just a couple might have been.

Mr. HALLEY. Up to the time of Binaggio's murder and after.

Mr. FARRELL. There might have been a few.

Mr. HALLEY. The grand jury found dozens, literally dozens. Didn't that ever come to your attention?

Mr. FARRELL. No, sir; because we arrested every crap game that opened up. Every time they would not be open over 1 night, if at all.

Mr. HALLEY. Did you ever hear of the State Line?

Mr. FARRELL. Yes, sir.

Mr. HALLEY. Was that a crap game?

Mr. FARRELL. It was in Kansas.

Mr. HALLEY. There was some question about whether it kept moving back and forth across the line.

Mr. FARRELL. Up to this date, move the building—

Mr. HALLEY. The building was on the line, and they move the game back and forth.

Mr. FARRELL. I couldn't answer that.

Mr. HALLEY. Did you ever make an attempt to go out there and find out on which side of the line they were?

Mr. FARRELL. It was on the line.

Mr. HALLEY. You were never there?

Mr. FARRELL. Only once.

Mr. HALLEY. When?

Mr. FARRELL. About 5 or 6 years ago.

Mr. HALLEY. Was there a crap game going on then?

Mr. FARRELL. Yes.

Mr. HALLEY. In what State was it?

Mr. FARRELL. Kansas. In Kansas.

Mr. HALLEY. Haven't you heard some testimony here that the game flitted back and forth across the line, which ran right through the building?

Mr. FARRELL. I heard it, but I was only there once. In my supervision of the police department I don't know whether it was moved back and forth or not, but our men went down several times and couldn't find anything out on it, couldn't get hold of it. It was in that little restaurant side. That is in Kansas.

Mr. HALLEY. There was a dice game, wasn't there, at 3207 Southwest Boulevard? Did you ever hear of that?

Mr. FARRELL. That is the same place, isn't it?

Mr. HALLEY. Is that the same place?

Mr. FARRELL. I think so. That is the only one I know of.

Mr. HALLEY. That is a different place.

Mr. FARRELL. 3209.

Mr. HALLEY. That is a different place.

Mr. FARRELL. That is about the same place.

Mr. HALLEY. The same neighborhood but a different place.

Mr. FARRELL. I don't know about that.

Mr. HALLEY. Did you ever hear of a dice game at 1899 McKennon?

Mr. FARRELL. McKennon?

Mr. HALLEY. Yes. That is Marion, I am sorry.

Mr. FARRELL. I don't know where Marion is. I think it is in Kansas.

Mr. HALLEY. Did you ever hear of a dice game at Seventy-ninth and Warnell?

Mr. FARRELL. I never did hear of it. I just think that was in the city limits. We were until a couple of years ago.

Mr. HALLEY. In 1947 that was brought into the city limits, wasn't it?

Mr. FARRELL. Yes. I was on the council at that time.

Mr. HALLEY. Did you ever hear of a dice game at 1711 East Ninth Street?

Mr. FARRELL. No, sir. I knew they had one out there, and they raided it the first night.

Mr. HALLEY. It ran for quite a while after that, didn't it?

Mr. FARRELL. I don't think so.

Mr. HALLEY. Did you ever hear of the Coates House?

Mr. FARRELL. Yes.

Mr. HALLEY. That was a bookmaking establishment, was it not?

Mr. FARRELL. Never in my life; I thought they had a cigar stand there.

Mr. HALLEY. In any event, you thought the police department was all right during all of this period?

Mr. FARRELL. I did. I thought it was pretty good. I think the Kansas City Star said there was about 15 places, gave names and addresses, and never nothing done about it before I got in there.

Mr. HALLEY. Is it your understanding that the new commission appointed by the Governor has not removed these officials you wanted removed?

Mr. FARRELL. They have changed them, they have changed the captains.

Mr. HALLEY. Johnston is still chief of police.

Mr. FARRELL. Still chief of police, yes; that is all right. I have got nothing against Johnston.

Mr. HALLEY. I have no more questions.

The CHAIRMAN. Thank you, Mr. Farrell.

Mr. Milligan, will you come around?

You swear the testimony you give the committee will be the whole truth and nothing but the truth, so help you God?

Mr. MILLIGAN. I do.

TESTIMONY OF J. M. MILLIGAN, KANSAS CITY, MO.

Mr. HALLEY. You heard the testimony today?

Mr. MILLIGAN. Yes, sir; I heard—I think I heard all of it. I was out of the room when Mr. Cohn started to testify.

Mr. HALLEY. Did you hear Mr. Cohn testify about the meeting at Herman Rosenberg's office with you and Charlie Binaggio?

Mr. MILLIGAN. I didn't hear the address or where the meeting was.

Mr. HALLEY. Was there such a meeting?

Mr. MILLIGAN. Yes.

Mr. HALLEY. Would you tell the Committee what happened?

Mr. MILLIGAN. Well, Binaggio called me up and said he and Mr. Cohn wanted to see me, and I said, all right, come over to my office. He said no, "Cohn does not want to come to your office." I said, "Well, I will go over to his office." He said, "No, he wants to met you at—" well, the building on Tenth.

The CHAIRMAN. The lithograph company.

Mr. MILLIGAN. And Grand Avenue, the Lathrop Building.

Mr. HALLEY. When you arrived, Cohn and Binaggio were there?

Mr. MILLIGAN. Cohn and Binaggio were there.

Mr. HALLEY. What was the conversation?

Mr. MILLIGAN. Well, I went in and spoke to them, and I think I mentioned something that I told Cohn some facts that I had found out was not true, and then Binaggio mentioned Braun as chief of police, and this man Braun had been in to see me, and I had made an investigation and found out under the law he was not qualified to be chief of police. I made that statement and turned to Cohn and asked him if he didn't agree with me, which he said he did, and that was practically the only conversation that I heard.

Mr. HALLEY. Did Binaggio urge that you and Cohn work together?

Mr. MILLIGAN. No.

Mr. HALLEY. Did he urge that you advise Cohn of the program for the various meetings?

Mr. MILLIGAN. I never heard of any program until today.

Mr. HALLEY. Did you hear that testimony?

Mr. MILLIGAN. I heard that part of it, yes.

Mr. HALLEY. Do you disagree with those statements?

Mr. MILLIGAN. I certainly do, and I have stated practically all that occurred there.

Mr. HALLEY. How long were you there?

Mr. MILLIGAN. I wasn't there over 2 minutes, or 3, maybe. I don't know the exact time.

Mr. HALLEY. After Governor Smith appointed you to the commission, did Binaggio from time to time attempt to persuade you to make certain appointments and changes?

Mr. MILLIGAN. I talked to Binaggio three times about the police department.

Mr. HALLEY. What was the first time?

Mr. MILLIGAN. The first time was in my office. I had seen some articles in the newspaper, and I had heard a lot of loose talk around here that Kansas City was going to be an open town and I called Binaggio up and I asked him to come to my office, and I told him then that the Governor had instructed the police board that there was going to be no, as he stated it, no commercial gambling in Kansas City, and that I was his personal appointee, and as far as I was concerned, there would be no gambling and so far as the Governor, as I understood, there would be no gambling. And I made some other statements that if he was in this, that if all of this was true, that was in the newspaper, he had better get out of politics, because you could not build a political organization on corruption.

Mr. HALLEY. Was there any other discussion? What did he say?

Mr. MILLIGAN. Well, he agreed with me.

Mr. HALLEY. Did he get out of politics or did he agree not to have politics?

Mr. MILLIGAN. I understood he was going out of politics when he was killed.

Mr. HALLEY. But this was some time before he was killed, a year previously.

Mr. MILLIGAN. That is right.

Mr. HALLEY. Did he make efforts after that to suggest appointees and changes in the police commissioners?

Mr. MILLIGAN. He did not to me.

Mr. HALLEY. Well, he did recommend Braun.

Mr. MILLIGAN. I will tell you there was another matter of patronage brought up. I never knew anything about Binaggio's supporting Braun until I had this meeting with he and Cohn.

Mr. HALLEY. How did he get Braun's name? Who suggested it?

Mr. MILLIGAN. Mr. Braun came to my office with his letters of commendation and recommendation. One of them, as I remember it, and this is the only one I knew, was from Edgar Shook, who had been formerly president of the police board when Braun served on it, and I will say this, he was a keen-looking, clean-cut-looking man. He is an intelligent man.

The CHAIRMAN. Who is that, Braun?

Mr. MILLIGAN. Braun.

The CHAIRMAN. I think we should get straightened out in the beginning; while you did not have anything against him, you were not for Johnston continuing on. I do not believe.

Mr. MILLIGAN. Well, now, I would not say that.

The CHAIRMAN. I believe the way you stated it was you thought maybe the board could do better.

Mr. MILLIGAN. That is right. And I will say this for Chief Johnston; I think he is an honest man, and I think he is an exceedingly good traffic man, and he has always been in traffic.

Mr. HALLEY. But you did not get Braun's name from Binaggio?

Mr. MILLIGAN. No, sir; I didn't know that Binaggio was supporting Braun until this meeting with Cohn.

Mr. HALLEY. Did you ever have another meeting with Binaggio? I think you said you spoke to him three times.

Mr. MILLIGAN. Yes.

Mr. HALLEY. Once you called him into your office?

Mr. MILLIGAN. Yes.

Mr. HALLEY. Once with Cohn.

Mr. MILLIGAN. Yes; and once with Chambers.

Mr. HALLEY. What was the meeting with Chambers?

Mr. MILLIGAN. Well, some of the friends of Sheridan Farrell gave him a party at the Phillips Hotel, after he was appointed; presented him with a badge, and I was over there, and Binaggio and Chambers and I discussed, talked together, and Binaggio wanted Frank Collins removed as chief of detectives, and I told him firmly that I would not go along with him, that I would not vote to remove Collins as chief of detectives.

Mr. HALLEY. Did Chambers indicate whether or not he would go along?

Mr. MILLIGAN. I would say that he didn't protest.

Mr. HALLEY. Did you have any other discussions with Binaggio?

Mr. MILLIGAN. Not about the police department.

Mr. HALLEY. Was there any about the civilian personnel in the police department?

Mr. MILLIGAN. That is the first time he talked to me. He said that his people were limited in education, and if there was any janitor or car-wash operation down there he would like to have them for his people because they could fill those and they were qualified. I told him if there were any vacancies to have them go see the personnel officer and if they could qualify they were entitled to appointment.

Mr. HALLEY. Did Henry McKissick ever talk to you about the police department?

Mr. MILLIGAN. I imagine Henry did. He may have.

Mr. HALLEY. You know Henry McKissick very well. Did he ever suggest any changes or appointments in the police department?

Mr. MILLIGAN. I don't think so; none that I remember.

Mr. HALLEY. You are really acquainted with Pat Noonan, I presume?

Mr. MILLIGAN. Yes, sir.

Mr. HALLEY. Did Noonan ever talk to you about the police department?

Mr. MILLIGAN. I think he said something to me about Braun being appointed chief of police, and I told him I would not support Braun.

Mr. HALLEY. Didn't he tell you that Braun was Binaggio's candidate?

Mr. MILLIGAN. I knew it.

Mr. HALLEY. By then you knew it?

Mr. MILLIGAN. Yes, sir.

Mr. HALLEY. Did you ever talk to Noonan about the general question of patronage in Kansas City?

Mr. MILLIGAN. No, I didn't.

Mr. HALLEY. Were you ever acquainted with Noonan's views that the patronage in Kansas City should go to Binaggio?

Mr. MILLIGAN. I don't know about going to Binaggio, but Pat believes that when there is a Democratic victory, if there is a job a Democrat can't fill, then you ought to abolish the job. He is that partisan.

Mr. HALLEY. Do you agree with that?

Mr. MILLIGAN. No, I don't go that far, but I think the Democrats are qualified to hold jobs. If you are going to maintain a two-party system and maintain this Republic and this democracy, you have to have a two-party system. If you break up into three parties what happens to you is what happened to France.

Mr. HALLEY. Would you carry that into a police department?

Mr. MILLIGAN. No, because under the law it is a nonpartisan organization.

Mr. HALLEY. While you were police commissioner would you have resisted any efforts of Binaggio to bring his patronage into the police department?

Mr. MILLIGAN. That is right.

Mr. HALLEY. What did you say to Binaggio when he talked to you about the civilian appointments?

Mr. MILLIGAN. I told him if he had any people who were qualified for car washers and janitors, to send them to the personnel officer and let him screen them and look up their records and report it to the board.

Mr. HALLEY. Were you in favor of changing the captains in charge of the various districts?

Mr. MILLIGAN. You asked me that before. I never remember any discussion that may have been brought up. As I understand it, it is a routine matter, that they don't leave a captain too long in a district. They leave him maybe a year or two or a year and then move on.

Mr. HALLEY. Of course it was Mr. Cohn's thought that these particular captains were doing a good job and were offensive to Binaggio because they were doing too good a job and that was why he wanted them removed.

Mr. MILLIGAN. I don't know about that.

Mr. HALLEY. Was that ever told you or anything like it?

Mr. MILLIGAN. No. I think the majority of them are good captains. You asked me about Kircher. I think he is one of the best men down there.

Mr. HALLEY. Was he doing a good job?

Mr. MILLIGAN. I thought he was. Of course, that was my opinion.

Mr. HALLEY. Did you resist any efforts to move him?

Mr. MILLIGAN. I knew of no effort to move him. That is up to the chief of police.

Mr. HALLEY. Did you notice any falling-down in the morale of the police department while you were commissioner?

Mr. MILLIGAN. I didn't, and the information I got was that the morale had been higher than it had been prior to that time. It is a matter of opinion, who you talk to.

Mr. HALLEY. There was read into the record yesterday a statement of the chief of police, of Chief Johnston's, dated February 27, 1950, in which he said that the condition of the police department had become bad, that the detectives were falling down on their work, that they weren't getting out and making investigations.

Mr. MILLIGAN. When was that?

Mr. HALLEY. February 27, 1950.

Mr. MILLIGAN. I have never seen it.

Mr. HALLEY. Wasn't that ever called to your attention?

Mr. MILLIGAN. No, sir.

Mr. HALLEY. Perhaps it would be best if I did that.

Mr. MILLIGAN. This question of morale is a matter of opinion.

Mr. HALLEY. The opinion of the chief of police would be important, would it not?

Mr. MILLIGAN. It should be. If he talks to everybody in the department. If he talks to a few, it wouldn't be worth much.

Mr. HALLEY. I would like to read this to you and ask you if you ever heard of it. This is a bulletin of the chief of police of February 27, 1950.

Mr. MILLIGAN. I don't remember seeing it.

Mr. HALLEY. This was about a month before the Binaggio murder.

Increasing crime, falling-off in arrests, and decreases in suspects have followed let-down in field activity. Responsibility for this condition rests with the patrolmen who are failing in their duty, the field sergeants who are not requiring the full police duty from the men in their command, and the district commanders who are not close with what is going on. Disciplinary action for neglect of duty is the inevitable result of failure. All ranks will be guided accordingly in the performance of their duty. Clearance of major crimes are far below what they should be, indicating detectives and plainclothesmen are falling down in their investigative work.

Mr. MILLIGAN. I don't remember any bulletin of that kind.

Mr. HALLEY. You never saw that bulletin?

Mr. MILLIGAN. I don't think so. I don't remember it.

Mr. HALLEY. Didn't you get—

Mr. MILLIGAN. You have to keep after these policemen all the time. You know that. You have to ride herd.

Mr. HALLEY. When Binaggio was killed shortly after that, the Governor asked you for your resignation, did he not?

Mr. MILLIGAN. He did not.

Mr. HALLEY. What happened?

Mr. MILLIGAN. I sent in my own resignation.

Mr. HALLEY. You went up to see him?

Mr. MILLIGAN. That is right.

Mr. HALLEY. And handed him your resignation?

Mr. MILLIGAN. I did.

Mr. HALLEY. And he accepted it?

Mr. MILLIGAN. He did a few days later, sometime later, maybe a week or so.

Mr. HALLEY. No further questions.

The CHAIRMAN. I think that is all.

Mr. MILLIGAN. Thank you very much.

The CHAIRMAN. The committee will have a 5-minute recess while the next witness is being brought in.

(Brief recess.)

The CHAIRMAN. Mr. Klein, will you come around? There will be no pictures made of this witness.

Mr. Klein, do you solemnly swear that the testimony you give this committee will be the whole truth and nothing but the truth, so help you God?

Mr. KLEIN. Yes, sir.

The CHAIRMAN. I want everybody to understand that under the instructions of the marshal we will have no pictures made of this witness. I think somebody took one, so they will not use it. I am sure it was a misunderstanding.

The chairman asked Lieutenant Smith to see if there was any record where Mr. Reed, the chief of police, had written the State probation and parole office protesting the granting of a parole and pardon to Charlie Gargotta. I have here a photostatic copy of a letter of December 27, 1939, to Mr. Joseph A. Rooney, State probation and parole officer, 312 Keith & Perry Building, Kansas City Mo.:

Re your letter of December 18, 1939.

DEAR MR. ROONEY: Charles Gargotta, No. 52546, KCPD No. 9798, presently in the Missouri State Penitentiary at Jefferson City, Mo., serving a term of 3 years, charge assault with intent to kill, from June 1939, apparently contemplates an application for parole.

The records of this subject as filed in the Kansas City Police Department reflect that he has been a police problem since 1915. He has been arrested 36 times for violations of the liquor law, burglary, robbery, auto theft, frequenting gambling games, vagrancy, carrying concealed weapons, assault to kill, occupying room for immoral purposes, and murder. His acquittal in a murder case and the great number of continuances granted by the local prosecuting authorities have become a major scandal which could only be exceeded by granting a parole to this subject who has served only 6 months of an only too short 3-year term.

In view of these facts, the Kansas City Police Department vigorously protests a parole being granted this subject.

Very truly yours,

L. B. REED, *Chief of Police.*

Another letter of January 12, 1940, to Mr. Harris, re Charles Gargotta, with his identification.

DEAR SIR: Charles Gargotta, No. 52546, KCPD No. 9798, presently in the Missouri State Penitentiary at Jefferson City, Mo., serving a term of 3 years, charge assault with intent to kill, from June 1939, apparently contemplates an application for parole.

The records of this subject as filed in the Kansas City Police Department, reflect that he has been a police problem since 1915. * * *

The first letter was to Mr. Joseph A. Rooney, State probation and parole officer. This letter is to the Honorable Frank G. Harris, chairman, State Board of Paroles, Jefferson City, Mo. The first two paragraphs of the letter are the same. The third paragraph of the letter to Mr. Harris is:

In view of these facts, the Kansas City Police Department vigorously protests a parole being granted this subject.

The same information and protest was furnished to Mr. Joseph A. Rooney, State probation and parole officer, on December 27, 1949.

Very truly yours,

L. B. REED, *Chief of Police.*

These letters will be made a part of the record at this time as exhibit No. 19.

The CHAIRMAN. All right, Mr. Halley, will you proceed with Mr. Klein.

TESTIMONY OF MORRIS (SNAG) KLEIN

Mr. HALLEY. What is your full name?

Mr. KLEIN. Morris Klein.

Mr. HALLEY. You are sometimes known as "Snag" Klein?

Mr. KLEIN. Yes, sir.

Mr. HALLEY. You are now a prisoner in the Federal penitentiary?

Mr. KLEIN. Yes, sir.

Mr. HALLEY. You were convicted of conspiracy to oppress certain citizens in their privilege to exercise the right to suffrage, is that right, in connection with the election fraud?

Mr. KLEIN. Yes, sir; I guess so, sir.

Mr. HALLEY. You were sentenced to serve a sentence of 1 year; is that right?

Mr. KLEIN. A year and a day, I guess; yes, sir.

Mr. HALLEY. Had you prior to that been convicted of any crime?

Mr. KLEIN. No, sir.

Mr. HALLEY. Had you not been fined for operating a gambling house in 1944?

Mr. KLEIN. Yes, sir.

Mr. HALLEY. Have you any other convictions?

Mr. KLEIN. No, sir.

Mr. HALLEY. Had you prior to then been arrested on any occasion?

Mr. KLEIN. What do you mean by arrest: what nature?

Mr. HALLEY. Picked up by the police, Mr. Klein.

Mr. KLEIN. I may have been for traffic violation, but nothing else.

Mr. HALLEY. Were you picked up in 1946 for inquiry?

Mr. KLEIN. No, sir.

Mr. HALLEY. Were you ever picked up for disturbing the peace?

Mr. KLEIN. Disturbing the peace?

Mr. HALLEY. No, sir.

The CHAIRMAN. In 1933.

Mr. KLEIN. In 1933? No, sir.

Mr. HALLEY. And in 1934?

Mr. KLEIN. No, sir; I was never arrested.

Mr. HALLEY. And again in 1935?

Mr. KLEIN. No, sir.

Mr. HALLEY. You were picked up for speeding violations and traffic violations.

Mr. KLEIN. I wasn't picked up. I may have been at one time or so, but I was never arrested or picked up.

Mr. HALLEY. Weren't you convicted on at least one other occasion?

Mr. KLEIN. No, sir.

Mr. HALLEY. We have covered the vote fraud and we have covered your conviction in 1944 for gambling.

Mr. KLEIN. I was convicted once for gambling in the municipal court. I appealed it, and the other court, the higher court, whatever the case may be, reversed the fine.

Mr. HALLEY. When was that?

Mr. KLEIN. I think in either 1948 or 1949.

Mr. HALLEY. You were fined \$100 for running a gambling game; is that right?

Mr. KLEIN. Yes.

Mr. HALLEY. In 1948?

Mr. KLEIN. Was it '48, sir?

Mr. HALLEY. Yes.

Mr. KLEIN. It was either 1948 or '49.

Mr. HALLEY. Was that the charge that was reversed or another one?

Mr. KLEIN. No; that was the only one.

Mr. HALLEY. That followed your conviction in 1944, for a completely separate offense; is that right?

Mr. KLEIN. Yes, sir.

Mr. HALLEY. Prior to your being convicted in the vote-fraud business, what was your business?

Mr. KLEIN. I was in the gambling business.

Mr. HALLEY. Did you have any legitimate business?

Mr. KLEIN. Prior to '44?

Mr. HALLEY. Prior to 1949.

Mr. KLEIN. Prior to 1949, yes, sir, I had a legitimate business.

Mr. HALLEY. What was your legitimate business?

Mr. KLEIN. The Missouri Electric & Construction Co. and the Ace Sales & Construction Co.

Mr. HALLEY. The Ace Sales dealt in surplus property; is that right?

Mr. KLEIN. Heavy-equipment surplus property; yes, sir.

Mr. HALLEY. Who were your associates in that business?

Mr. KLEIN. Mr. Binaggio, Mr. Osadchey, Mr. Spitscaufsky.

Mr. HALLEY. And Pat Noonan?

Mr. KLEIN. Pat Noonan worked there for a short while; yes, sir.

Mr. HALLEY. By Mr. Osadchey, you mean a man who is also known as Ed Spitz?

Mr. KLEIN. Eddie Spitz.

Mr. HALLEY. Is that right?

Mr. KLEIN. That is right.

Mr. HALLEY. Who were your partners in the Missouri Electric Co.?

Mr. KLEIN. Mr. Young and Mr. Binaggio.

Mr. HALLEY. Did you have any other legitimate businesses?

Mr. KLEIN. No, sir.

Mr. HALLEY. What were your gambling enterprises? Did you have a stake in the Green Hills Gambling Club.

Mr. KLEIN. At that time; yes, sir.

Mr. HALLEY. During what year did you have that?

Mr. KLEIN. I think in '44 and '45. I think part of '46, and I think part of '47 or '48.

Mr. HALLEY. At Green Hills, there was a horse book; is that right?

Mr. KLEIN. Correct, sir.

Mr. HALLEY. And dice tables?

Mr. KLEIN. Yes, sir.

Mr. HALLEY. And was there a wire service supplying the horse book with information?

Mr. KLEIN. Yes, sir.

Mr. HALLEY. And who were the other people in the Green Hills?

Mr. KLEIN. Mr. Halley, do you mean at that particular time?

Mr. HALLEY. During any time that you were a partner.

Mr. KLEIN. At one time there was Mr. Lacoco.

Mr. HALLEY. That is Tano Lacoco?

Mr. KLEIN. Yes, sir. Mr. Gargotta and Mr. Binaggio, Mr. Freedlander, Mr. McElroy, Mr. Wedow.

Mr. HALLEY. Spitz?

Mr. KLEIN. No, sir; I don't think Spitz was ever interested in it.

Mr. HALLEY. Tim Moran?

Mr. KLEIN. Yes, sir.

Mr. HALLEY. Goulding?

Mr. KLEIN. No, sir.

Mr. HALLEY. Kennedy?

Mr. KLEIN. Yes, sir.

Mr. HALLEY. In any event, there is no doubt about Binaggio, Lacoco, and Gargotta, is that correct?

Mr. KLEIN. No, sir.

The CHAIRMAN. This Green Hills, where was Green Hills located?

Mr. KLEIN. Near Parkville, Mo., as close as I can say.

The CHAIRMAN. Is that in Jackson County?

Mr. KLEIN. No, sir.

The CHAIRMAN. What county?

Mr. KLEIN. In Platte County.

Mr. HALLEY. Where else in the Kansas City area did you have a gambling business?

Mr. KLEIN. I was interested at the State Line Tavern.

Mr. HALLEY. That is also known as the Last Chance?

Mr. KLEIN. No, sir; I think the saloon was the Last Chance. I think this was the State Line Tavern.

Mr. HALLEY. They are right there together, is that right, at the State line?

Mr. KLEIN. They adjoin buildings; yes, sir.

Mr. HALLEY. And was there a crap game there?

Mr. KLEIN. Yes, sir; there was.

Mr. HALLEY. In the Last Chance?

Mr. KLEIN. In the State Line.

Mr. HALLEY. In the State Line.

Mr. KLEIN. Yes, sir.

Mr. HALLEY. And when you were in that crap game, who had a part of it?

Mr. KLEIN. At various times the various partners would be Golding, Mr. Freedlander, McElroy, T. Lacoco, Gargotta.

Mr. HALLEY. Spitz?

Mr. KLEIN. Mr. Spitz; yes, sir.

Mr. HALLEY. Did Charlie Binaggio have an interest in that?

Mr. KLEIN. No, sir.

Mr. HALLEY. What was your percentage of your participation in the State Line?

Mr. KLEIN. It varied at different times.

Mr. HALLEY. Was it as high as 10 percent?

Mr. KLEIN. Sometimes it was that high; sometimes it was higher.

Mr. HALLEY. And what was your participation in Green Hills?

Mr. KLEIN. My participation or the percentage, you mean?

Mr. HALLEY. The percentage of your participation.

Mr. KLEIN. I had 20 percent at one time, and a lesser amount at another time.

Mr. HALLEY. Where else did you have gambling games in the Kansas City area?

Mr. KLEIN. There was a place at Ninth and Woodland and the Kay Hotel.

Mr. HALLEY. What were they, crap games?

Mr. KLEIN. Yes, sir.

Mr. HALLEY. And were there horse books in either of them?

Mr. KLEIN. Yes, sir; in both places.

Mr. HALLEY. Did you have anything to do with the Coates House?

Mr. KLEIN. No, sir.

Mr. HALLEY. Did you have any other businesses?

Mr. KLEIN. No, sir; I don't think so.

Mr. HALLEY. Well, you were a partner in the wire service, were you not?

Mr. KLEIN. Yes, sir; I was.

Mr. HALLEY. That is, here in Kansas City?

Mr. KLEIN. Yes, sir.

Mr. HALLEY. And what was the wire service; what was the name of your company?

Mr. KLEIN. I think at one time it was the Mo-Kan, and later it was the Standard. Standard News, I think that is what it was.

Mr. HALLEY. And you merged or bought out the Harmony News; is that right?

Mr. KLEIN. Yes, sir.

Mr. HALLEY. The Harmony News had been the old Continental News; is that right? They got their service from Continental in Chicago?

Mr. KLEIN. What was the other one's name? I will tell you.

Mr. HALLEY. You were Trans-America.

Mr. KLEIN. Yes; the other one was the Continental; yes, sir.

Mr. HALLEY. And then you bought out Harmony; isn't that correct?

Mr. KLEIN. Yes, sir.

Mr. HALLEY. And you were getting Trans-America service?

Mr. KLEIN. Yes, sir.

Mr. HALLEY. And then after a man named Ragen was killed in Chicago you switched back to Continental Service; is that right?

Mr. KLEIN. That I don't know anything about, the switching back or about Mr. Ragen being killed, but I know there was one service, and that was the only service that I know of.

Mr. HALLEY. That was Continental, wasn't it, that you finally took?

Mr. KLEIN. We had Trans-America, and then I think they all combined and went back to the original service.

Mr. HALLEY. That is right.

Mr. KLEIN. That is the original service that we had, yes, sir.

Mr. HALLEY. The Continental Service.

Mr. KLEIN. Yes, sir.

Mr. HALLEY. You also had a business in Council Bluffs, Iowa.

Mr. KLEIN. Yes, sir.

Mr. HALLEY. Is that right?

Mr. KLEIN. Yes, sir.

Mr. HALLEY. What was that?

Mr. KLEIN. It was a night club and casino.

Mr. HALLEY. Known as the Stork Club?

Mr. KLEIN. Yes, sir.

Mr. HALLEY. Was there gambling there, too?

Mr. KLEIN. Yes, sir.

Mr. HALLEY. Horse book?

Mr. KLEIN. Yes, sir.

Mr. HALLEY. What was your interest in the Stork Club, what percentage?

Mr. KLEIN. At one time I had 10½ percent.

Mr. HALLEY. Who were your partners at the Stork Club?

Mr. KLEIN. All of the partners, sir?

Mr. HALLEY. Yes.

Mr. KLEIN. There was Mr. Hutter, Mr. Spitz, Mr. Beskas, Mr. Wyerman, Mr. Abramson. The other names sort of elude me at the present time.

Mr. HALLEY. Was Gargotta in it?

Mr. KLEIN. No, sir.

Mr. HALLEY. Lacoco?

Mr. KLEIN. No, sir.

Mr. HALLEY. Just you and Spitz?

Mr. KLEIN. Yes.

Mr. HALLEY. You were the Kansas City element in the Stork Club, is that right?

Mr. KLEIN. Mr. Spitz and I were the Kansas City element, yes, sir.

Mr. HALLEY. I would like to talk first about the State Line. That had been run by a man by the name of Renegar, is that right?

Mr. KLEIN. Yes, sir. I presume so.

Mr. HALLEY. Fred Renegar.

Mr. KLEIN. Yes, sir.

Mr. HALLEY. And he was killed, wasn't he?

Mr. KLEIN. Yes, sir.

Mr. HALLEY. Murdered?

Mr. KLEIN. Yes, sir.

Mr. HALLEY. That is one of these unsolved murders here in Kansas City, is that your recollection?

Mr. KLEIN. Yes, sir.

Mr. HALLEY. And prior to his being murdered, did you know, had you heard that the State Line had been bombed once or twice?

Mr. KLEIN. I read that in the paper it had been bombed; yes, sir.

Mr. HALLEY. Did you ever meet anybody who was there when it was bombed?

Mr. KLEIN. No, sir. I was never in the place before.

Mr. HALLEY. You were in the place afterward?

Mr. KLEIN. Yes, sir.

Mr. HALLEY. You were a partner in it right up to the time of Binaggio's death, isn't that so?

Mr. KLEIN. No, sir. I discontinued the State Line Tavern association at the time of my—oh, about 2 weeks before my incarceration.

Mr. HALLEY. I see. You gave up all your interests, isn't that so?

Mr. KLEIN. Yes, sir. Everything, yes, sir.

Mr. HALLEY. And you don't know whether Binaggio took over your interest or not, do you?

Mr. KLEIN. No, sir; I do not.

Mr. HALLEY. You know Golding, who owned the building, did you not?

Mr. KLEIN. Yes, sir.

Mr. HALLEY. He had a 25 percent interest, is that right?

Mr. KLEIN. At that particular time?

Mr. HALLEY. Yes.

Mr. KLEIN. Yes, sir.

Mr. HALLEY. He had it at all times, that was his rent for the use of his place that was conveniently located on the State line, wasn't it?

Mr. KLEIN. Yes.

Mr. HALLEY. Isn't that the place where the game was held so that if the police officers came from one State, it could be shifted over to the other side of the line?

Mr. KLEIN. No, sir.

Mr. HALLEY. To get immunity?

Mr. KLEIN. No, sir; I don't think so.

Mr. HALLEY. You have heard about that?

Mr. KLEIN. Just read about it.

Mr. HALLEY. You have never seen it happen?

Mr. KLEIN. No, sir.

Mr. HALLEY. Has Mr. Spitz ever told you he saw it happen?

Mr. KLEIN. No, sir, I don't think I have ever talked to Mr. Spitz about that.

Mr. HALLEY. But you have heard about that.

Mr. KLEIN. Yes, sir.

Mr. HALLEY. So far as you know that never happened?

Mr. KLEIN. No, sir; it has not.

Mr. HALLEY. But what was the advantage of having a crap game out there? It is not a very attractive building, is it?

Mr. KLEIN. I don't know of any advantages or disadvantages.

Mr. HALLEY. Was there any point in being right on the State line?

Mr. KLEIN. Just what everyone hears, that there is quite a bit of controversy over whether it was in Kansas or in Missouri.

Mr. HALLEY. It would create confusion, so if you had to defend the case, the officers would have a lot of trouble proving where the game was; is that right?

Mr. KLEIN. Truthfully, I don't know whether that would be the reason or not.

Mr. HALLEY. Did this man Goulding, who owned the game, the building, ever tell you that he was actually in the building when it was bombed during Renegar's days?

Mr. KLEIN. I don't think I ever discussed it with anyone before or after the bombing.

Mr. HALLEY. But you knew about the bombing, you read about it?

Mr. KLEIN. I read an article in the paper; yes, sir.

Mr. HALLEY. Then the place closed when Renegar was killed.

Mr. KLEIN. I don't know that, sir.

Mr. HALLEY. Well, when did you get into the State Line, about what time?

Mr. KLEIN. I think sometime in 1947.

Mr. HALLEY. Toward the end of 1947?

Mr. KLEIN. Well, now, I really could not answer that fairly. I don't know exactly. It may have been even the early part of 1948 or the last part of 1947.

Mr. HALLEY. And at that time, McElroy had the game; is that right?

Mr. KLEIN. McElroy?

Mr. HALLEY. Yes.

Mr. KLEIN. I don't know whether he had it or not.

MR. HALLEY. Didn't he bring you and Spitz into the game?

MR. KLEIN. We went over there. I think we all started at the same time.

MR. HALLEY. Isn't it possible that he had it for a week or so before you?

MR. KLEIN. Yes; it could be possible.

MR. HALLEY. And isn't it a fact that he took you to meet Golding and told Goulding that you and Spitz were going to cut into the game?

MR. KLEIN. We met. I don't know whether that was the exact words that were spoken at that time.

MR. HALLEY. That was the substance of it, though, isn't it?

MR. KLEIN. Yes, that we were going to combine; yes, sir.

MR. HALLEY. And you do recall Goulding protesting that he had only authorized the place to be opened up for a little friendly quiet game, and not for a big crap game. Do you remember Goulding saying anything like that?

MR. KLEIN. No, sir; I do not.

MR. HALLEY. Do you remember McElroy saying to Goulding at that time, "Well, you can't operate without these fellows," meaning you and Spitz?

MR. KLEIN. No, sir. I don't remember him saying anything like that.

MR. HALLEY. How did it come about that you and Spitz got into the State Line; that had been a rather closely held game previously, had it not? First Renegar had it, and then McElroy had it, and there was the pressure, of course, on Renegar, a little bombing. Then he was shot. What conversations did you have with McElroy about you and Spitz participating?

MR. KLEIN. I don't know of any conversations. I have known McElroy for a number of years.

MR. HALLEY. How did it come about that you were going into the State Line?

MR. KLEIN. I think at that time I was not doing anything. I knew quite a few customers, and we probably thought by combining that it would benefit both of us.

MR. HALLEY. You were doing quite a bit in 1947. You had the wire service, didn't you?

MR. KLEIN. I did not actually participate in the wire service in any way.

MR. HALLEY. Did no work there?

MR. KLEIN. No, sir.

MR. HALLEY. You had this Stork Club out in Council Bluffs.

MR. KLEIN. I did not spend much time there.

MR. HALLEY. You did not do any work there, either.

MR. KLEIN. Very little.

MR. HALLEY. And you had Green Hills.

MR. KLEIN. No, sir. I think Green Hills was closed at that time.

MR. HALLEY. Did it open again subsequently?

MR. KLEIN. After 1947?

MR. HALLEY. Yes.

MR. KLEIN. Yes, sir; I think it did.

MR. HALLEY. It has been closed and opened on and off, is that the point?

MR. KLEIN. A couple of times; yes, sir.

Mr. HALLEY. And did you approach McElroy?

Mr. KLEIN. I don't exactly remember how that came about, whether I approached him or whether he approached me, or someone else approached me.

Mr. HALLEY. Were you known as a good friend of Charlie Binaggio?

Mr. KLEIN. Yes, sir.

Mr. HALLEY. Partner of his?

Mr. KLEIN. Yes, sir.

Mr. HALLEY. How long have you known Charlie Binaggio?

Mr. KLEIN. I have known him for many, many years.

Mr. HALLEY. Twenty?

Mr. KLEIN. Somewhere in that neighborhood; yes, sir.

Mr. HALLEY. How long have you known Charlie Gargotta?

Mr. KLEIN. Ten, twelve, fifteen years; something like that.

Mr. HALLEY. And Lacoco?

Mr. KLEIN. About the same time.

Mr. HALLEY. Gargotta and Lacoco were known as gunmen, weren't they?

Mr. KLEIN. No, sir, I don't know whether they were or not.

Mr. HALLEY. You have just heard the letter the chairman read into the record about Gargotta in connection with his parole, about his having been arrested some 35 times prior to 1934.

Mr. KLEIN. Yes, sir, I did. That is the first I had ever known that he had a record like that also.

Mr. HALLEY. You knew he shot it out with Sheriff Bash?

Mr. KLEIN. Yes, sir, I read that in the paper.

Mr. HALLEY. He certainly was not a sweet, simple, unassuming soul, was he?

Mr. KLEIN. Was he?

Mr. HALLEY. Yes. He was a tough egg, wasn't he?

Mr. KLEIN. According to the records and the things that they say, I don't know whether I would call him a tough egg, but I imagine that he did have a record.

Mr. HALLEY. And Tano Lacoco was another muscleman, wasn't he?

Mr. KLEIN. I don't know what you mean by muscleman, sir.

Mr. HALLEY. A tough egg, somebody you would not want to meet in the dark alley or have mad at you.

Mr. KLEIN. Well, I don't know. I haven't had any trouble with anyone and I don't know whether meeting anyone in an alley or tough person or anything would affect me in any way.

Mr. HALLEY. Maybe you are a tough egg yourself.

Mr. KLEIN. No, sir. No, sir, I am not.

Mr. HALLEY. Anyhow, you and Lacoco and Gargotta got in some businesses together, is that right?

Mr. KLEIN. In the gambling business; yes, sir.

Mr. HALLEY. The first of them was in this wire service?

Mr. KLEIN. No, no, the first one was Green Hills.

Mr. HALLEY. The first was Green Hills.

Mr. KLEIN. Yes, sir.

Mr. HALLEY. And you were in that with Charlie Binaggio and that whole group, is that right?

Mr. KLEIN. Yes, sir.

Mr. HALLEY. Was Balestrere in that—Jim Balestrere?

Mr. KLEIN. No, sir.

Mr. HALLEY. If he testified that Binaggio gave him an interest in it, would you say he would be wrong?

Mr. KLEIN. I could not answer that; if he said that, he may have reasons to say it; so far as I know, he definitely did not have any part or active part or any piece of the place that I know of.

Mr. HALLEY. Well, would Charlie Binaggio have been in a position because of his leadership simply to cut Balestrere in, without telling anybody why or wherefore?

Mr. KLEIN. It is possible anyone could do that. I could have done the same thing, cut someone in without telling anyone any particular reason why.

Mr. HALLEY. Could that be possible that Balestrere might have been in the Green Hills? Is that right?

Mr. KLEIN. There is a possibility, but very little probability.

Mr. HALLEY. Later on he comes up to testify that he was in that, would make it quite probable; wouldn't it?

Mr. KLEIN. Well, yes, sir, it would.

Mr. HALLEY. If he does that?

Mr. KLEIN. Yes.

Mr. HALLEY. Then you got into this wire service with Spitz and Lacoco; is that right?

Mr. KLEIN. Yes; correct, sir.

Mr. HALLEY. How did you happen to get into the wire service?

Mr. KLEIN. I was approached by Mr. Spitz, asking me if I would be interested in the wire service.

Mr. HALLEY. How had that deal come to him?

Mr. KLEIN. I don't know. He met someone at his place of business.

Mr. HALLEY. He met a man named Pat Noonan; didn't he; not Noonan; Burns, Pat Burns.

Mr. KLEIN. I don't know who he met.

Mr. HALLEY. And didn't he ever tell you what happened?

Mr. KLEIN. No, sir.

Mr. HALLEY. Spitz had a place called the College Inn; is that right?

Mr. KLEIN. Yes, sir.

Mr. HALLEY. And it was a tavern?

Mr. KLEIN. Yes, sir.

Mr. HALLEY. And he told you that this man had come out there and talked to him about the wire service?

Mr. KLEIN. He told me a man talked to him. He was coming through about some wire service, and he knows him from before. How, I don't know.

Mr. HALLEY. Well, the man came down from Chicago; isn't that right?

Mr. KLEIN. I don't know, sir.

Mr. HALLEY. He was coming through. Did you find out where he was coming through from?

Mr. KLEIN. No, sir; I did not.

Mr. HALLEY. Weren't you interested?

Mr. KLEIN. Truthfully, no.

Mr. HALLEY. Truthfully, that does not sound very plausible.

Mr. KLEIN. I was doing business with Mr. Spitz. I didn't know who he was doing business with.

Mr. HALLEY. What was the nature of the proposition Spitz gave you from the unknown person?

Mr. KLEIN. That we could go into this wire service; that I could have 25 percent of it if I was interested.

Mr. HALLEY. What were you supposed to do in the wire service?

Mr. KLEIN. I was going to solicit customers.

Mr. HALLEY. Nothing else? Actually you have testified you were very inactive, that it took none of your time.

Mr. KLEIN. That is true.

Mr. HALLEY. Who else did you take into this deal with you, Lococo and Gargotta, is that right?

Mr. KLEIN. Mr. Spitz talked to them; yes, sir.

Mr. HALLEY. You arranged to be the local agent for Trans-American News, is that right?

Mr. KLEIN. I don't really understand what you mean there. I arranged that? Mr. Spitz arranged.

Mr. HALLEY. Your group.

Mr. KLEIN. Yes, sir.

Mr. HALLEY. You formed the Standard News?

Mr. KLEIN. The Mo-Kan, at that time.

Mr. HALLEY. It was first Standard and then Mo-Kan, was it not?

Mr. KLEIN. I think it was Mo-Kan and then Standard. You could be right. I don't know for sure.

Mr. HALLEY. Either way you formed a company.

Mr. KLEIN. That is true.

Mr. HALLEY. The four of you?

Mr. KLEIN. That is right.

Mr. HALLEY. You had the franchise from Trans-American.

Mr. KLEIN. That is right.

Mr. HALLEY. You were pretty active in those days politically, is that right?

Mr. KLEIN. No, sir.

Mr. HALLEY. You belonged to Charles' club, didn't you?

Mr. KLEIN. That is true.

Mr. HALLEY. You got around in gambling circles a bit?

Mr. KLEIN. I was known in gambling circles; yes, sir.

Mr. HALLEY. Didn't you hear anywhere that Trans-American was a new wire service that had been set up by the Capone mob in Chicago to put Continental out of business?

Mr. KLEIN. No, sir; I did not.

Mr. HALLEY. It was even in the newspaper.

Mr. KLEIN. The only thing I knew, there was another wire service here.

Mr. HALLEY. They were this one in competition with Continental, is that right?

Mr. KLEIN. Yes, sir.

Mr. HALLEY. The newspapers carried stories about expecting gang warfare over it, didn't they?

Mr. KLEIN. I don't remember reading anything like that.

Mr. HALLEY. Do you remember hearing anything like that?

Mr. KLEIN. No, sir; I don't think I did.

Mr. HALLEY. Then this Continental Service was Harmony, is that right, your competitor?

Mr. KLEIN. That is right.

Mr. HALLEY. Who was running that at the time?

Mr. KLEIN. Mr. Partnoy.

Mr. HALLEY. Simon Partnoy?

Mr. KLEIN. That is right.

Mr. HALLEY. Did he have any associates or was he all by himself?

Mr. KLEIN. I don't know whether he had any associates or whether he worked for himself. The way I understand, he worked for the Continental News.

Mr. HALLEY. He had the local franchise just as you had the local franchise for Trans-America; isn't that right?

Mr. KLEIN. I don't think so. I think he just worked for them.

Mr. HALLEY. No; that is not right. You remember he went over and bought out. You bought his franchise, his good will.

Mr. KLEIN. I don't think he bought the franchise, Mr. Halley. I think Mr. Spitz talked to him, and I think all he did was work for the Continental News. I think all the money that he received, he sent to the party that he was supposed to send to and deducted his salary.

Mr. HALLEY. What was his salary?

Mr. KLEIN. I think at that time it was \$125 a week.

Mr. HALLEY. That is your understanding of it?

Mr. KLEIN. Yes, sir; it is.

Mr. HALLEY. Who was his boss then, Continental in Chicago?

Mr. KLEIN. Whoever owned the Continental was his boss.

Mr. HALLEY. That is it. You and Gargotta and Lacoco and Spitz made him a proposition; is that right?

Mr. KLEIN. No, sir; I think Mr. Spitz talked to him alone.

Mr. HALLEY. Did you have any conversations with Spitz about whether you should talk to Partnoy?

Mr. KLEIN. No, sir; I did not.

Mr. HALLEY. Why did you want to take over Partnoy's business?

Mr. KLEIN. We took it over, tried to take it over, and talked to the man, because it was beneficial to both of us, that is, our group and also him.

Mr. HALLEY. Did you agree to pay him any money?

Mr. KLEIN. Yes, sir; we did.

Mr. HALLEY. How much?

Mr. KLEIN. \$7,500.

Mr. HALLEY. What were you buying for the \$7,500?

Mr. KLEIN. The office equipment, his good will, the name, and, I guess, you could say customers.

Mr. HALLEY. I thought you just testified that he worked as an employee. How could he sell out the business from under Continental?

Mr. KLEIN. That is something I couldn't answer. I know, and I am almost sure, that all he did was work. How he sold—

Mr. HALLEY. Why didn't you go up to Chicago and deal with the people he worked for then? You paid the wrong people.

Mr. KLEIN. Maybe I did, sir.

Mr. HALLEY. You were really muscling in, weren't you?

Mr. KLEIN. No, sir; I was not.

Mr. HALLEY. What was your job to be as salesman for the Mo-Kan News Co.?

Mr. KLEIN. What do you mean, Mr. Halley?

Mr. HALLEY. What were you going to sell?

Mr. KLEIN. News service.

Mr. HALLEY. Wire service?

Mr. KLEIN. Yes, sir.

Mr. HALLEY. To bookies?

Mr. KLEIN. Bookies mostly; yes, sir.

Mr. HALLEY. Nobody else wanted it but bookies?

Mr. KLEIN. Anyone could buy it; yes, sir.

Mr. HALLEY. But who wanted it?

Mr. KLEIN. I don't know. It could be bought by anyone, anyone that was interested.

Mr. HALLEY. But you were selling it to bookies, weren't you?

Mr. KLEIN. Bookies mostly; yes, sir.

Mr. HALLEY. You were pretty well known in gambling circles here in Kansas City; is that right?

Mr. KLEIN. Yes, sir.

Mr. HALLEY. Did you attempt to sell it to him?

Mr. KLEIN. I didn't attempt to sell it to any.

Mr. HALLEY. You went right over and just took over Partnoy's business?

Mr. KLEIN. No, sir; we did not.

Mr. HALLEY. You went over and—what was the arrangement?

Mr. KLEIN. The Continental News had their service here. Trans-America was coming in with their service. I think the service was already here. I don't know the technical names or how they brought it in or whether they had to have a special line or what. Mr. Partnoy sold out; the Continental, I think, discontinued their service, and the Trans-America was the only service that remained here.

Mr. HALLEY. You, of course, had the office and the telephones and the equipment and the good will and the customers of Continental.

Mr. KLEIN. That is right, of Trans-America then.

Mr. HALLEY. Then you just gave it all to Trans-America; is that right?

Mr. KLEIN. No; we didn't give it anyone.

Mr. HALLEY. Trans-America was then supplying you with the news; is that correct?

Mr. KLEIN. Yes, sir.

Mr. HALLEY. Who ran the business after that?

Mr. KLEIN. Mr. Partnoy.

Mr. HALLEY. He just continued?

Mr. KLEIN. And Mr. Spitz was very active in it.

Mr. HALLEY. Were you active?

Mr. KLEIN. No, sir.

Mr. HALLEY. What percentage did you have; 25 percent?

Mr. KLEIN. Yes, sir.

Mr. HALLEY. What were you paying Partnoy?

Mr. KLEIN. Partnoy I think received \$200 a week then, and he had a percentage. I am not too sure, somewhere around 8, 10, or 12; something like that.

Mr. HALLEY. I think it was 15 percent.

Mr. KLEIN. Probably 15 percent.

Mr. HALLEY. He didn't own any part of the business? That was just part of his compensation; is that right? You four owned the business.

Mr. KLEIN. Yes, sir.

Mr. HALLEY. You had 25 percent of it from then on; is that correct?

Mr. KLEIN. Yes, sir.

Mr. HALLEY. Do you still have it?

Mr. KLEIN. No, sir.

Mr. HALLEY. Have you sold it?

Mr. KLEIN. I have sold it; yes, sir.

Mr. HALLEY. To whom?

Mr. KLEIN. I don't know. I just sold out about 2 weeks before my incarceration.

Mr. HALLEY. You sold everything; is that right?

Mr. KLEIN. Everything and anything I had in the gambling business.

Mr. HALLEY. To whom did you sell your interest in the wire service?

Mr. KLEIN. I didn't sell it to anyone. I just withdrew the fourth share that was in the bank and discontinued.

Mr. HALLEY. How much money did you receive?

Mr. KLEIN. I think around \$3,200—something like that.

Mr. HALLEY. \$3,200?

Mr. KLEIN. Something like that; yes, sir.

Mr. HALLEY. How much had you originally contributed to the business when you went into it?

Mr. KLEIN. At the original investment?

Mr. HALLEY. Yes.

Mr. KLEIN. We put up \$5,000.

Mr. HALLEY. The four of you?

Mr. KLEIN. Yes, sir.

Mr. HALLEY. No more than that?

Mr. KLEIN. No, sir.

Mr. HALLEY. You put up a quarter of \$5,000?

Mr. KLEIN. That is right.

Mr. HALLEY. You had drawn certain profits out of it during the course of the business?

Mr. KLEIN. Yes, sir.

Mr. HALLEY. It made about \$25,000 in 1947, is that right?

The CHAIRMAN. It made \$46,000 in 1 year.

Mr. KLEIN. I think that was the amount of money it made plus everyone else's salary and everything, wasn't it, Senator?

The CHAIRMAN. I was just reading here—

Mr. KLEIN. I think that was the net profit, wasn't it?

The CHAIRMAN. Anyway, \$25,000 or \$46,000.

Mr. HALLEY. You made substantial profits.

Mr. KLEIN. We made profits; yes, sir.

The CHAIRMAN. You mean you think \$46,000 was the amount after paying all the salaries?

Mr. KLEIN. No, sir; I think that is an exorbitant amount of money.

The CHAIRMAN. That is the amount before salaries were paid, was it?

Mr. KLEIN. Yes, sir; I think so.

The CHAIRMAN. You think about \$25,000 would be about the amount left for the payment of dividends or something of that sort?

Mr. KLEIN. I think it didn't even run that high, Senator.

The CHAIRMAN. What do you think it ran to?

Mr. KLEIN. At that time—was that 1947 you are talking about?

The CHAIRMAN. I think so, yes.

Mr. KLEIN. I think we went in late in 1947. I think in 1948 it made around \$25,000.

The CHAIRMAN. Net to you four partners.

Mr. KLEIN. Yes, sir.

Mr. HALLEY. You made that in 1947 the record shows.

Mr. KLEIN. Did it?

Mr. HALLEY. Did you also draw a salary?

Mr. KLEIN. No, sir.

Mr. HALLEY. Did Spitz?

Mr. KLEIN. No, sir.

Mr. HALLEY. You got a pretty good deal out of that, is that not right?

Mr. KLEIN. Yes, sir.

Mr. HALLEY. In that you contributed really nothing except one-fourth of \$5,000?

Mr. KLEIN. That is true; yes, sir.

Mr. HALLEY. You never had to go out and sell any wire service?

Mr. KLEIN. No, sir; I did not.

Mr. HALLEY. You did nothing about operating the business?

Mr. KLEIN. No, sir.

Mr. HALLEY. So that for an investment of \$1,250 you received in addition to the money you got when you sold out at the end, profits over a period of 2 years.

Mr. KLEIN. I think it was a little over 2 years.

Mr. HALLEY. Two and a half.

Mr. KLEIN. About two and a half years.

Mr. HALLEY. So for your \$1,200, you made would you say \$15,000?

Mr. KLEIN. I would say something like that; yes, sir.

Mr. HALLEY. You did nothing at all to earn it, nothing at all.

Mr. KLEIN. That is right.

Mr. HALLEY. In the course of your wire-service business did you meet a man named Hutter?

Mr. KLEIN. Yes, sir.

Mr. HALLEY. He was out in Council Bluffs, is that right?

Mr. KLEIN. Yes, sir.

Mr. HALLEY. He had the Trans-America service there?

Mr. KLEIN. Yes, sir.

Mr. HALLEY. Did he come from Chicago?

Mr. KLEIN. Did Mr. Hutter come from Chicago?

Mr. HALLEY. Yes.

Mr. KLEIN. I don't know where Mr. Hutter came from.

Mr. HALLEY. He was with the same Trans-America crowd, is that right?

Mr. KLEIN. I couldn't answer that.

Mr. HALLEY. He had the same wire service you did?

Mr. KLEIN. Yes, sir; he did.

Mr. HALLEY. In the course of your business with Mr. Hutter did he come to you and Mr. Spitz with a business proposition about the Stork Club?

Mr. KLEIN. He talked to Mr. Spitz, and Spitz talked to me.

Mr. HALLEY. What did Mr. Spitz say to you?

Mr. KLEIN. He had a chance to buy into the Stork Club and asked me my opinion of it.

Mr. HALLEY. What was to be the price for buying into the Stork Club?

Mr. KLEIN. \$20,000.

Mr. HALLEY. How much of the Stork Club were you supposed to get for that?

Mr. KLEIN. At that time I think we bought the Stork Club for \$20,000 or we could have bought it for \$20,000.

Mr. HALLEY. You actually got it for nothing, didn't you?

Mr. KLEIN. We bought it for \$20,000.

Mr. HALLEY. Let's get into that a little further. I think you will see that you got it for nothing.

Mr. KLEIN. Oh, you mean after we sold it?

Mr. HALLEY. No; right then and there. You never paid a cent, did you?

Mr. KLEIN. Mr. Spitz transacted the deal and actually there wasn't any money changed hands outside of the other \$20,000.

Mr. HALLEY. What other \$20,000?

Mr. KLEIN. That he sold half interest for \$20,000.

Mr. HALLEY. You never gave up any part of \$20,000. You didn't put your hand into your pocket or write a check or deliver any part of \$20,000 to buy an interest in the Stork Club, did you?

Mr. KLEIN. No, sir; I did not.

Mr. HALLEY. You got a free ride.

Mr. KLEIN. If you want to call it that; yes, sir.

Mr. HALLEY. You didn't spend one cent, did you?

Mr. KLEIN. No, sir; I did not.

Mr. HALLEY. You didn't even for one minute spend a cent to get into the Stork Club, did you?

Mr. KLEIN. No, sir.

Mr. HALLEY. The Stork Club was a night club, wasn't it?

Mr. KLEIN. Yes, sir.

Mr. HALLEY. I think you have said it had this gambling casino.

Mr. KLEIN. That is right.

Mr. HALLEY. Who owned it before you got into it? From whom did you buy it?

Mr. KLEIN. I really don't remember who owned the place.

The CHAIRMAN. Mr. Burman, wasn't it?

Mr. KLEIN. Oh, yes, sir; Mr. Burman.

Mr. HALLEY. Do you recall that the Stork Club had a bombing at the end of 1946, in October 1946?

Mr. KLEIN. No, sir; I never did know anything about that.

Mr. HALLEY. Didn't you ever read in the newspaper that the wall was blown out of the Stork Club?

Mr. KLEIN. Was it in the Kansas City paper?

Mr. HALLEY. Yes.

Mr. KLEIN. I didn't remember that.

The CHAIRMAN. Give him the date of it and what was said, Mr. Halley.

Mr. HALLEY. I don't have the right clipping here. The one I have is on the shooting, the hold-up, which we will get to. Wasn't it in the paper that the Stork Club was bombed?

Mr. KLEIN. No, sir; I don't remember reading it. It may have been in the paper. I am not saying that it wasn't. It may have been in the paper. I don't remember reading anything about it.

Mr. HALLEY. When you bought it weren't you told that it had had a bombing?

Mr. KLEIN. No, sir; I was not told that.

Mr. HALLEY. Do you recall ever hearing that one of the owners of the Stork Club named Abramson was taken for a ride by gunmen and threatened with being shot if he didn't sell his interest in the Stork Club?

Mr. KLEIN. No, sir. That is the first I have heard of it.

Mr. HALLEY. You never heard of anything like that?

Mr. KLEIN. I did not.

Mr. HALLEY. You didn't hear that the Stork Club was held up April 6, 1947, by gunmen?

Mr. KLEIN. No, sir.

Mr. HALLEY. Didn't you ever hear that \$78,000 was stolen from the owners of the Stork Club?

Mr. KLEIN. No, sir; I did not hear that.

Mr. HALLEY. April 6, 1947, is the day that Gargotta was arrested in Omaha, isn't it, on a robbery charge?

Mr. KLEIN. I don't know the date, but I don't think Mr. Gargotta was arrested there. I thought he was arrested here.

Mr. HALLEY. And taken back to Omaha.

Mr. KLEIN. Yes, sir. No, I think he was taken some place in Nebraska.

Mr. HALLEY. Des Moines?

Mr. KLEIN. No, I don't think it was Des Moines. I think it was close to Des Moines. I think it was around 80 or 100 miles or something like that.

Mr. HALLEY. And \$30,000 bail had to be put up for him, isn't that right?

Mr. KLEIN. There was a large bail that was going to be put up.

Mr. HALLEY. Put up early the next morning, is that right, \$30,000?

Mr. KLEIN. That I don't know whether it was put up the next morning or not.

Mr. HALLEY. It was delivered in cash, did you know that?

Mr. KLEIN. No, sir, I did not.

Mr. HALLEY. Did you contribute any part of that bail?

Mr. KLEIN. No, sir, I did not.

Mr. HALLEY. Do you know where the bail came from?

Mr. KLEIN. No, sir, I do not.

Mr. HALLEY. You know that Lacoco actually took the bail and delivered it to the man who put up the bond?

Mr. KLEIN. No, sir, I did not know that.

Mr. HALLEY. You didn't know that?

Mr. KLEIN. No, sir.

Mr. HALLEY. Did you know that the bail, the \$30,000 appeared in the form of \$5, \$10, and \$20 bills?

Mr. KLEIN. I didn't know anything about the bail, sir.

Mr. HALLEY. You never heard of that at all?

Mr. KLEIN. No, sir.

Mr. HALLEY. And you never heard that that very night the owners of the Stork Club were held up and \$78,000 taken from them?

Mr. KLEIN. No, sir.

Mr. HALLEY. If all of those are facts, if you assumed all those to be facts, including the bombing out of the wall at the club, and the fact

one of the owners was taken out in an automobile and threatened with death, would you say that there might have been some pressure brought to bear on the people who owned the Stork Club to sell out?

Mr. KLEIN. In other words, you are asking me if I had anything to do with putting pressure on someone to sell the club?

Mr. HALLEY. I won't ask you yet if you had anything to do with it. If it is a fact that a wall was blown out of the Stork Club by a bomb, on October 29, 1946, and if it is a fact that in later March 1946 Abramson was taken for a ride and threatened with death if he didn't sell out, and if it is a fact that on April 6, 1947, the Stork Club was held up and \$78,000 taken from it, and if it is also a fact that during the summer of 1947, Si Silver, who owned part of the club, was held overnight by thugs with guns and urged to sell a part of the club, would you say that that would be pressure on the owners to sell?

Mr. KLEIN. If all that is true, I would say that it was pressure.

Mr. HALLEY. And they did sell, didn't they?

Mr. KLEIN. I don't know whether they sold. I know that Mr. Berman talked to Mr. Hutter and Mr. Hutter talked to Mr. Spitz, and they sold, but what the reason was or if there was anything between that time, I haven't any idea or know why they would want to sell.

Mr. HALLEY. They sold to you, didn't they, to you and to Spitz?

Mr. KLEIN. That is right. I never knew Mr. Abramson had anything to do with the place.

Mr. HALLEY. But you bought and received half interest in the club, is that right?

Mr. KLEIN. We bought and received the entire interest in the club.

Mr. HALLEY. You first got the club, you were to get the whole club for \$20,000, is that right?

Mr. KLEIN. That is right, sir.

Mr. HALLEY. And then Mr. Hutter came back to you with a new proposition, is that right, didn't he come back and say that he had found some residents of Council Bluffs who would be willing to buy half of it for \$20,000?

Mr. KLEIN. No, sir.

Mr. HALLEY. What did happen?

Mr. KLEIN. That happened at the same time.

Mr. HALLEY. It all happened at once?

Mr. KLEIN. That is right.

Mr. HALLEY. So it turned out that you not only were going to buy it, but that some fellows up in Council Bluffs would pay the money and you were going to get your half interest for nothing.

Mr. KLEIN. That is right.

Mr. HALLEY. Would you say that there is any relationship between your getting an interest in the Stork Club in Council Bluffs for nothing, and the fact that there was a bombing, and a robbery, and two people taken for a ride? Would you? Does it strike you that these facts create a chain of circumstantial evidence that is rather strong?

Mr. KLEIN. It may create some circumstantial evidence if you want to call it that, but I don't think that my involvement in the Stork Club had anything to do with those chains of events.

Mr. HALLEY. You made a lot of money on the Stork Club deal, didn't you? It was profitable?

Mr. KLEIN. Yes, it was profitable.

Mr. HALLEY. How much did you make out of the Stork Club in 1948?

Mr. KLEIN. I think you have the figures there. Will you please give them to me, Mr. Halley?

Mr. HALLEY. Surely. I am not trying in any way to trap you on this.

Mr. KLEIN. I know you are not. I just——

Mr. HALLEY. I think you estimated your income over a period of 2½ years from the Stork Club at twenty to twenty-five thousand dollars.

Mr. KLEIN. That is about right.

Mr. HALLEY. Is that your estimate?

Mr. KLEIN. Yes, sir.

Mr. HALLEY. For the entire period?

The CHAIRMAN. Was that a year on the entire period?

Mr. KLEIN. That was for the entire period.

Mr. HALLEY. Spitz made a similar amount, of course.

Mr. KLEIN. Yes.

Mr. HALLEY. So that for the 2- or 2½-year period between you you got \$50,000 out of that deal, is that right?

Mr. KLEIN. Yes, sir.

Mr. HALLEY. And you paid nothing?

Mr. KLEIN. That is right.

Mr. HALLEY. How do you account for Mr. Hutter or your other partners being generous enough to take you and Mr. Spitz into a deal in which you made \$50,000 in a place out in Council Bluffs, not even here in Kansas City, without you paying a cent?

Mr. KLEIN. At the original deal, it was not supposed to be that way. Mr. Hutter came to us, I think Mr. Berman operated the place, and operated it at a heavy loss. I think he was very happy to get out from under the place.

Mr. HALLEY. I should think so after all of these events.

Mr. KLEIN. I think you haven't mentioned that Mr. Berman was a participant or owned any of the Stork Club, and I also think you didn't say that—I don't think that Mr. Silver or Mr. Abramson had anything to do with the place when I bought the place.

Mr. HALLEY. No, but they had it just before you bought the place.

Mr. KLEIN. No, I think——

Mr. HALLEY. It changed hands quickly.

Mr. KLEIN. From Berman. Evidently you should talk to Mr. Berman instead of me, because when he bought the place, the chain of events happened before Mr. Berman bought the place.

Mr. HALLEY. You tell me what the relationship was between Mr. Berman and Mr. Hutter.

Mr. KLEIN. I don't know. Mr. Berman, I think, was around Omaha, and I think Mr. Hutter was around Omaha.

Mr. HALLEY. And you were not around Omaha except you got to know them through this wire service?

Mr. KLEIN. That is right. I knew Mr. Hutter through the wire service.

Mr. HALLEY. Did you do any work at the Stork Club?

Mr. KLEIN. Yes, sir.

Mr. HALLEY. What did you do?

Mr. KLEIN. I went up there on several occasions.

Mr. HALLEY. How often?

Mr. KLEIN. I think I told you before, Mr. Halley, I don't know exactly whether the answer now would coincide with the answers at that time, but I think I went up there once a week, sometimes twice a month, sometimes three times a month. I think I stayed there a week or 10 days at a time.

Mr. HALLEY. You were not very active, then, in the management. You would not say that you were taken in there for the work you would do?

Mr. KLEIN. Originally, yes.

Mr. HALLEY. What did you do originally?

Mr. KLEIN. I was going to go up there and operate, employ all of the help that was needed.

Mr. HALLEY. But you didn't do it, did you?

Mr. KLEIN. We sold the place. No, sir.

Mr. HALLEY. You didn't sell the place, you never bought the place, you got half interest in it for nothing.

Mr. KLEIN. We bought the place, Mr. Halley, and then sold half interest. We bought it that morning and sold it that afternoon.

Mr. HALLEY. But you didn't pay any money that morning.

Mr. KLEIN. No, sir, they met and got the money later.

Mr. HALLEY. It was just a lot of mechanics to get half interest to you for nothing.

Mr. KLEIN. Regardless of what the mechanics, we bought the place originally.

Mr. HALLEY. How much money did you pay?

Mr. KLEIN. \$20,000.

Mr. HALLEY. Did you pay \$20,000?

Mr. KLEIN. When we got the \$20,000, we gave the \$20,000—

Mr. HALLEY. By that time you had already sold it.

Mr. KLEIN. Sold half interest, that is true.

Mr. HALLEY. For \$20,000. The \$20,000 you paid was the money you got from the other partners.

Mr. KLEIN. That is true.

Mr. HALLEY. None of it your money?

Mr. KLEIN. That is true.

Mr. HALLEY. Then we get to the Last Chance and the State Line. That is where you went into business with McElroy, is that correct?

Mr. KLEIN. Yes, sir.

Mr. HALLEY. And isn't that the same sort of situation?

Mr. KLEIN. No, sir.

Mr. HALLEY. Well, McElroy had a crap game at the Last Chance, didn't he, the State Line?

Mr. KLEIN. I told you I don't know whether he did or did not. I don't think he did have. But you say it could be possible. It is possible that he had it.

Mr. HALLEY. Why did he take you and Spitz in?

Mr. KLEIN. Because he thought that we could draw business. He knew that he needed some help. I was active there. I knew a number of customers. I would be beneficial to him.

Mr. HALLEY. Doesn't it strike you that you and Spitz and Gargotta and Lacoco were helpful mainly because of the fact that you had political influence, and you were people who would be feared?

Mr. KLEIN. No, sir. I don't think politics or being feared had anything to do with it.

Mr. HALLEY. When did you close the State Line; when was that business closed?

Mr. KLEIN. Mr. Halley, it was opened and closed on several occasions. I don't know which one you are talking about.

Mr. HALLEY. You had already begun serving your present prison term when Binaggio was killed, had you not?

Mr. KLEIN. Yes, sir.

Mr. HALLEY. Did you hear that all of these places closed up the next day?

Mr. KLEIN. Yes, sir.

Mr. HALLEY. Even as far away as Council Bluffs?

Mr. KLEIN. No, sir. Council Bluffs was closed several months before that.

Mr. HALLEY. The testimony of Spitz is that it closed right after that.

Mr. KLEIN. I think you will find that Mr. Spitz does not remember that it was closed, I would say 6, 7, 8 months before that.

Mr. HALLEY. When did you get into Council Bluffs, in late 1947?

Mr. KLEIN. I think late 1947; yes, sir.

Mr. HALLEY. And you were in all of 1948?

Mr. KLEIN. Yes, sir.

Mr. HALLEY. And all of 1949?

Mr. KLEIN. No, sir; part of 1949.

Mr. HALLEY. You testified just a little while ago that it was 2½ years that you were in it.

Mr. KLEIN. Well, now, Mr. Halley, you are trying to ask me questions. I am trying to be fair.

Mr. HALLEY. I am trying to get the answers.

Mr. KLEIN. I don't know exactly 2½ years. I thought you asked me in the period of 2½ years, but it would be 2½ years like 1948, and 1949, but it would not be the full year of 1949, and it would be part of the year 1947, so therefore I say around 2½ years.

Mr. HALLEY. Why was Council Bluffs closed, the Stork Club?

Mr. KLEIN. I don't exactly remember what the main reason was at that time. I think that, oh, all of the business started coming up, all of the investigations, I guess, and everything. We decided to close the place.

Mr. HALLEY. The other places right here in Kansas City stayed open, didn't they?

Mr. KLEIN. Yes, sir; they did.

Mr. HALLEY. Until Binaggio died, and then they were all closed.

Mr. KLEIN. I think that is it; yes, sir.

Mr. HALLEY. Wasn't the strength in your ability to keep them open and ability to get these participations due to your political influence as associate and close friend of Binaggio, with him?

Mr. KLEIN. Again I will answer I don't think politics had anything to do with it.

Mr. HALLEY. Was it just plain strong arm stuff?

Mr. KLEIN. No, sir; I think if politics had anything to do with it, or Mr. Binaggio had anything to do with it, I think we would have been able to operate with open doors. It was really sneaky all times.

Mr. HALLEY. What could Lacoco and Gargotta contribute to a wire service?

Mr. KLEIN. I don't know.

Mr. HALLEY. They were just a couple of gorillas, wasn't they?

Mr. KLEIN. I don't know whether I would use that term. They were in it.

Mr. HALLEY. What did they contribute? Why did you need them in a wire service?

Mr. KLEIN. You will have to talk to Mr. Spitz about that. I was just given 25 percent of that.

Mr. HALLEY. I will. Does your brother, Garth, now have a restaurant in Los Angeles?

Mr. KLEIN. No, sir.

Mr. HALLEY. Did he at one time have one with Homer Cooper?

Mr. KLEIN. Yes, sir.

Mr. HALLEY. Homer Cooper also was a member of Binaggio's club and one of your group, is that right?

Mr. KLEIN. He as well as hundreds of others.

Mr. HALLEY. Well, Cooper happened to be the one who loaned Binaggio his car the night Binaggio was killed; he was pretty close, wasn't he?

Mr. KLEIN. Mr. Halley, I was not here. I read the paper that car was loaned to someone there.

Mr. HALLEY. So that he was not just one of hundreds. He was out there at the State Line Tavern.

Mr. KLEIN. He was working there, yes, sir.

Mr. HALLEY. And he and your brother opened up a restaurant out in California, isn't that a fact?

Mr. KLEIN. That is right, sir.

Mr. HALLEY. And did they buy that restaurant from Mickey Cohen?

Mr. KLEIN. I think they either bought it from Mickey Cohen or this Mr. Tucker that I told you about last time.

Mr. HALLEY. And who put them in touch with Mickey Cohen?

Mr. KLEIN. I haven't any idea in the world.

Mr. HALLEY. Have you ever met Mickey Cohen?

Mr. KLEIN. No, sir, I talked to him on the phone one time.

Mr. HALLEY. About what?

Mr. KLEIN. He asked for a loan.

Mr. HALLEY. Mickey Cohen asked you for a loan?

Mr. KLEIN. That is right.

Mr. HALLEY. When was that?

Mr. KLEIN. I think it was in 1945 or 1946, something like that.

Mr. HALLEY. What business were you in at that time?

Mr. KLEIN. I was at Green Hills at that time.

Mr. HALLEY. Were you known as a very substantial and well to do gambler at that time?

Mr. KLEIN. I don't know whether I would be known as that at that time or this time.

Mr. HALLEY. How do you account for the fact that Mickey Cohen, whom you had never met, would call you up and ask you for a loan?

Mr. KLEIN. That has been a surprise to me; also a mystery. I don't know the man, never saw him, would not know him if he was here.

Mr. HALLEY. Did you give him the loan?

Mr. KLEIN. No, sir; I did not.

Mr. HALLEY. Did you ever handle any bets with him?

Mr. KLEIN. No, sir; I did not.

Mr. HALLEY. Have you been in the horse-book business?

Mr. KLEIN. With it in connection with the places?

Mr. HALLEY. Yes.

Mr. KLEIN. Yes, sir.

Mr. HALLEY. With whom did you handle your lay-off betting?

Mr. KLEIN. I didn't have any lay-off business.

Mr. HALLEY. Did you keep all of the bets you got?

Mr. KLEIN. In these places, yes, sir. They were all small bets.

Mr. HALLEY. You never laid off any bets at all?

Mr. KLEIN. No, sir.

Mr. HALLEY. Did you lay any off with Tony Gizzo?

Mr. KLEIN. No, sir.

Mr. HALLEY. With Tony Accardo?

Mr. KLEIN. No, sir; I don't know the gentleman.

Mr. HALLEY. Did you ever meet Tony Accardo?

Mr. KLEIN. No, sir; I did not.

Mr. HALLEY. Do you know Jake Guzik?

Mr. KLEIN. No, sir; I do not.

Mr. HALLEY. Do you know Fischetti?

Mr. KLEIN. No, sir; I do not.

Mr. HALLEY. No further questions.

The CHAIRMAN. What did Mickey Cohen say when he called? Did you have a call from Los Angeles?

Mr. KLEIN. I think Mr. Cohen told me he had heard that I was—Oh, I don't know whether the word "liberal" would fit the purpose or not, and he was in dire need of money and would I loan him some money, that I would be paid back.

The CHAIRMAN. Just a call right out of the blue.

Mr. KLEIN. That is true, sir.

The CHAIRMAN. How much money did he want to borrow?

Mr. KLEIN. I think it was \$3,000.

The CHAIRMAN. What did you tell him?

Mr. KLEIN. I just told him I didn't know him, the nerve of him calling me. I didn't know the man, never saw him and couldn't figure out why he would call me.

The CHAIRMAN. Do you think it was really Mickey Cohen who called you?

Mr. KLEIN. I think it was; yes, sir. He was rather insistent, and I was rather emphatic, and that is the way it wound up. I kept the \$3,000.

The CHAIRMAN. And Mickey didn't get the \$3,000.

Mr. KLEIN. That is true, sir.

The CHAIRMAN. He said he heard you were liberal.

You have described the fact that you, in addition to Council Bluffs and Green Hills—that is the place out there?

Mr. KLEIN. Yes, sir; that was in Platte County.

The CHAIRMAN. You had State Line, too?

Mr. KLEIN. Yes, sir.

The CHAIRMAN. You also ran a couple of dice games, one at the Kay Hotel?

Mr. KLEIN. And one at 1711 East Ninth Street.

The CHAIRMAN. In some of these you were tied up with Mr. Gizzo, were you not?

Mr. KLEIN. No, sir; I have never been in business with Mr. Gizzo.

The CHAIRMAN. How about 3207 Southwest Boulevard? Did you have a place there?

Mr. KLEIN. 3207 Southwest Boulevard?

The CHAIRMAN. Yes, is that the State Line?

Mr. KLEIN. I think that is 3207. I am not sure of this, Senator, I think next door was No. 9 Southwest Boulevard, but also that is on the Kansas side, 3207 would be on the Missouri side.

The CHAIRMAN. So you really had two places out there.

Mr. KLEIN. No, just the one.

The CHAIRMAN. Do you know a lawyer here by the name of Konomos?

Mr. KLEIN. Michael Konomos?

The CHAIRMAN. Yes.

Mr. KLEIN. Yes, sir; I have known him for a number of years.

The CHAIRMAN. Did he ever represent you?

Mr. KLEIN. No, sir; he did not. He belonged to the same club that I did, the Democratic club, at one time several years ago.

The CHAIRMAN. Did you know anything about him representing the Continental News Service about the time you and Spitz bought it out here?

Mr. KLEIN. No, I never knew that they had any representation here or that he represented them.

The CHAIRMAN. Do you know he is about to file a lawsuit against you or somebody else to prevent some of you from taking over the Continental?

Mr. KLEIN. I don't think—I don't know that; no, sir.

The CHAIRMAN. You never were advised about that?

Mr. KLEIN. No, sir; I was not.

The CHAIRMAN. I think that is everything. All right, Mr. Klein. Mr. Lacoco came with you, didn't he?

Mr. KLEIN. Yes, he did.

The CHAIRMAN. All right.

(Brief recess.)

The CHAIRMAN. Mr. Lacoco, do you solemnly swear the testimony you will give this committee will be the whole truth and nothing but the truth, so help you God?

Mr. LACOCO. Yes, sir.

The CHAIRMAN. For the benefit of witnesses who may be here, we will have a night session beginning at 7:30 tonight, and tonight we will want Mr. Spitz, Mr. DiGiovanni, Mr. Milgram, and Mr. Wintraub. There are two DiGiovannis. And also Mr. Goulding. All other witnesses will come back at 9:30 in the morning.

All right, Mr. Halley.

TESTIMONY OF THOMAS LACOCO

Mr. HALLEY. Your name is Thomas Lacoco?

Mr. LACOCO. Yes, sir.

Mr. HALLEY. Were you ever known as Tony Young?

Mr. LACOCO. No, sir.

Mr. HALLEY. Were you ever known as Tony Macca?

Mr. LACOCO. No, sir.

Mr. HALLEY. Were you ever known as Tony Locco?

Mr. LACOCO. No.

The CHAIRMAN. You are going to have to speak up now.

Mr. HALLEY. You have been known as Tano Lacoco?

Mr. LACOCO. Yes, sir.

Mr. HALLEY. That is simply the other name for Thomas, is that right?

Mr. LACOCO. Yes, sir.

Mr. HALLEY. Were you born in Kansas City?

Mr. LACOCO. Yes, sir.

Mr. HALLEY. You have lived there ever since?

Mr. LACOCO. Yes, sir.

Mr. HALLEY. You are now confined in the Federal prison?

Mr. LACOCO. Yes, sir.

Mr. HALLEY. For what offense?

Mr. LACOCO. Income tax.

Mr. HALLEY. When were you convicted and how long were you sentenced?

Mr. LACOCO. I think it was September 11 I was sentenced for 2 years.

Mr. HALLEY. That was with reference to your income tax from various gambling enterprises in the State of Missouri?

Mr. LACOCO. Yes, sir.

Mr. HALLEY. Were you ever convicted on any other charge previously?

Mr. LACOCO. No, sir.

Mr. HALLEY. You were convicted once for vagrancy in Kansas City, weren't you, and sentenced to serve 100 days?

Mr. LACOCO. I don't remember that, sir.

The CHAIRMAN. What is that now?

Mr. LACOCO. I don't remember that, sir.

The CHAIRMAN. You don't remember whether you were convicted of vagrancy or not?

Mr. LACOCO. No, sir.

Mr. HALLEY. That goes back to 1913. Perhaps you wouldn't remember. If the FBI records show that Tony Macca was convicted for vagrancy, would that possibly be you?

Mr. LACOCO. I could have been, but I don't remember that name, sir.

Mr. HALLEY. Did you ever use any other name besides Lacoco?

Mr. LACOCO. No, sir.

Mr. HALLEY. You never used the name Tony Macca?

Mr. LACOCO. No, sir.

Mr. HALLEY. You never used that?

Mr. LACOCO. No.

Mr. HALLEY. But it could be?

Mr. LACOCO. Well, not as I know of. I don't remember.

Mr. HALLEY. Were you ever arrested?

Mr. LACOCO. Well, just for investigations like that, but I never was convicted of any felony or any charges.

Mr. HALLEY. Never convicted until this year.

What business were you in before you went to jail?

Mr. LACOCO. I was interested in a place on Southwest Boulevard.

Mr. HALLEY. What place was that?

Mr. LACOCO. That is the State Line Tavern.

Mr. HALLEY. Well, who were your partners there? Binaggio? Was he in it?

Mr. LACOCO. I believe the latter part of it he had 15 percent, too.

Mr. HALLEY. And Klein was in it?

Mr. LACOCO. Not the last part of it. I think he got out of it when he served some time. I think he was there before, but he got out of it.

Mr. HALLEY. Gargotta was in it?

Mr. LACOCO. Yes, sir.

Mr. HALLEY. Mr. Goulding was in it?

Mr. LACOCO. No, not on the boulevard.

Mr. HALLEY. Eddie Spitz?

Mr. LACOCO. Yes, Eddie was.

Mr. HALLEY. That was a gambling place, is that right?

Mr. LACOCO. Yes, sir.

Mr. HALLEY. There was a dice game there?

Mr. LACOCO. Yes, sir.

Mr. HALLEY. Did you know Renegar who had the place before you got into it?

Mr. LACOCO. No, sir.

Mr. HALLEY. Did you ever meet Renegar?

Mr. LACOCO. No, sir.

Mr. HALLEY. You know he was killed, do you not?

Mr. LACOCO. I read it in the paper.

Mr. HALLEY. Did you know that the place was bombed before he was killed?

Mr. LACOCO. No, sir.

Mr. HALLEY. You didn't know that?

Mr. LACOCO. No, sir.

Mr. HALLEY. Who brought you into the deal?

Mr. LACOCO. No one brought me into the deal. They needed a bank roll and they asked me if I wanted a percentage of it, Osadchey. I said I will take whatever percentage is left.

Mr. HALLEY. What percentage did you get?

Mr. LACOCO. Fifteen percent.

Mr. HALLEY. You had 15 percent?

Mr. LACOCO. Yes, sir.

Mr. HALLEY. What other gambling enterprises have you had?

Mr. LACOCO. I was out at the Green Hills.

Mr. HALLEY. How much of that did you have?

Mr. LACOCO. Let's see—20 percent.

Mr. HALLEY. Binaggio was a partner in that, too; is that right?

Mr. LACOCO. Yes, sir.

Mr. HALLEY. Anything else?

Mr. LACOCO. Let's see now. Out on Ninth Street I had a place.

Mr. HALLEY. 1711 East Ninth?

Mr. LACOCO. Yes.

Mr. HALLEY. Who was in that with you?

Mr. LACOCO. A fellow by the name of Nigro, Paul Nigro was with me.

Mr. HALLEY. And Klein?

Mr. LACOCO. No, I didn't think Klein was. Osadchey was in that. I think Klein got out because he was in trouble. Whether he was in there or not I don't remember.

Mr. HALLEY. Was Spitz in it?

Mr. LACOCO. Yes.

Mr. HALLEY. Were you in any other gambling places?

Mr. LACOCO. Out on Thirty-first and Brooklyn.

Mr. HALLEY. What was that? A dice game?

Mr. LACOCO. Yes, sir.

Mr. HALLEY. Did you have any horse book places?

Mr. LACOCO. No, sir; not there.

Mr. HALLEY. Have you had any legitimate businesses?

Mr. LACOCO. Yes, sir.

Mr. HALLEY. What were they?

Mr. LACOCO. I had the Casablanca Liquor Store on Indiana Avenue and had a drug store on Prospect.

Mr. HALLEY. How long did you have the Casablanca Liquor Store?

Mr. LACOCO. Since 1943, I believe.

Mr. HALLEY. How long did you have the drug store?

Mr. LACOCO. Since 1947.

Mr. HALLEY. What did you do before 1943?

Mr. LACOCO. I had a filling station.

Mr. HALLEY. Where?

Mr. LACOCO. 528 Locust.

Mr. HALLEY. How long did you have that?

Mr. LACOCO. Ten or fifteen years.

Mr. HALLEY. During that time did you also have gambling games?

Mr. LACOCO. No, I don't remember.

Mr. HALLEY. What was the first gambling set-up you were in?

Mr. LACOCO. Well, I don't remember.

Mr. HALLEY. You were a friend of Johnnie Lazia, weren't you?

Mr. LACOCO. Yes, sir.

Mr. HALLEY. He was the gambling king here in Kansas City back in the 1920's.

Mr. LACOCO. I don't know if I recall that or not. I don't know.

Mr. HALLEY. You were close to him, weren't you?

Mr. LACOCO. Well, at that time I wasn't too close to him. I knew him very well.

Mr. HALLEY. Weren't you one of the crowd that got into the soda pop business with him, the Glendale Soda Co.?

Mr. LACOCO. Yes, sir; I had stock in that.

Mr. HALLEY. Who else had stock in that?

Mr. LACOCO. Oh, let's see. I know Charlie had some stock in it. I don't know the rest of them.

Mr. HALLEY. Jim Balestrere had some?

Mr. LACOCO. I don't know the rest of them.

Mr. HALLEY. Jim Balestrere had some?

Mr. LACOCO. I don't think so. Not as I know of.

Mr. HALLEY. Lazia had stock of course.

Mr. LACOCO. Lazia had stock.

Mr. HALLEY. Gizzo had stock, didn't he?

Mr. LACOCO. I don't know.

Mr. HALLEY. Tony Gizzo?

Mr. LACOCO. I don't know.

Mr. HALLEY. That finally went into a beer business; isn't that right?

Mr. LACOCO. No.

Mr. HALLEY. You handled Schlitz beer, didn't you?

Mr. LACOCO. That was separate from that.

Mr. HALLEY. But if you had stock in the one you had stock in the other.

Mr. LACOCO. Yes.

Mr. HALLEY. So you were in the beer business, too.

Mr. LACOCO. That is right.

Mr. HALLEY. Then Carollo went to jail, didn't he, for an income-tax violation in 1939?

Mr. LACOCO. I guess so.

Mr. HALLEY. Then you went into the Canadian Ace Beer, did you not?

Mr. LACOCO. I don't think I was interested in that.

Mr. HALLEY. Did you get out before the Canadian Ace deal came in or were you along with Gizzo on Canadian Ace?

Mr. LACOCO. I don't think I was.

Mr. HALLEY. You were out by that time?

Mr. LACOCO. Yes; I was just in the soda business.

Mr. HALLEY. Well, you were also in one when they had the other beer business, the Schlitz?

Mr. LACOCO. I had a little stock; when we sold out, we sold out everything.

Mr. HALLEY. Do you still have your liquor store?

Mr. LACOCO. No, sir; I sold that.

Mr. HALLEY. Who did you sell it to?

Mr. LACOCO. Sold it to a fellow by the name of Jimmie Mancuso.

Mr. HALLEY. Jimmie Mancuso?

Mr. LACOCO. Yes.

Mr. HALLEY. Who did you sell the drug store to?

Mr. LACOCO. I have still got the drug store. It is under my wife's name.

Mr. HALLEY. That is under your wife's name?

Mr. LACOCO. Yes, sir.

Mr. HALLEY. Did you ever hear of the Mafia?

Mr. LACOCO. Sir?

Mr. HALLEY. Had you ever heard of the Mafia?

Mr. LACOCO. No, sir.

Mr. HALLEY. You never heard of it at all?

Mr. LACOCO. No, sir.

Mr. HALLEY. You never heard the expression used?

Mr. LACOCO. No, sir; only through the papers.

Mr. HALLEY. Did you ever hear anybody charge that you were a member of the Mafia?

Mr. LACOCO. No, sir.

Mr. HALLEY. Are you?

Mr. LACOCO. No, sir.

Mr. HALLEY. Are you a member of any secret organization?

Mr. LACOCO. No, sir.

Mr. HALLEY. None whatever?

Mr. LACOCO. No, sir.

Mr. HALLEY. Have you ever been a member of a secret organization?

Mr. LACOCO. No, sir.

Mr. HALLEY. Of any kind?

Mr. LACOCO. No, sir.

Mr. HALLEY. Have you ever belonged to a club with James Balestrere?

Mr. LACOCO. Well, the club, the North Side Club, or the club out on Nineteenth Street.

Mr. HALLEY. The Democratic Club?

Mr. LACOCO. Yes.

Mr. HALLEY. At that time Balestrere was——

Mr. LACOCO. I don't know that he——

Mr. HALLEY. The head of the club.

Mr. LACOCO. I don't know whether he had anything to do with the club or not. He might have been.

Mr. HALLEY. Well, wasn't he one of the leaders in the Democratic Club?

Mr. LACOCO. Not as I know.

Mr. HALLEY. The North Side Democratic Club?

Mr. LACOCO. Not as I know of.

Mr. HALLEY. You belonged, didn't you?

Mr. LACOCO. Yes, sir.

Mr. HALLEY. Did the DiGiovannis belong?

Mr. LACOCO. I don't know.

Mr. HALLEY. How long have you known Joseph DiGiovanni?

Mr. LACOCO. I have known him ever since, well, I guess, 30, 35 years.

Mr. HALLEY. How long have you known Jim Balestrere?

Mr. LACOCO. About that long.

Mr. HALLEY. How long have you known Frank Deluca?

Mr. LACOCO. Oh, about 15, 20 years, I guess.

Mr. HALLEY. How long have you known Joe Deluca?

Mr. LACOCO. About the same time.

Mr. HALLEY. How long have you known Tony Gizzo?

Mr. LACOCO. I knew Tony Gizzo 30 years, I guess.

Mr. HALLEY. Joe Cusumano is the fellow you sold your liquor store to, is that right?

Mr. LACOCO. Mancuso.

Mr. HALLEY. You know Cusumano, don't you?

Mr. LACOCO. Yes.

Mr. HALLEY. How long have you known him?

Mr. LACOCO. Twenty, twenty-five years.

Mr. HALLEY. Do you know Filardo?

Mr. LACOCO. Yes, sir.

Mr. HALLEY. How long?

Mr. LACOCO. About the same.

Mr. HALLEY. Do you know Nick Impostato?

Mr. LACOCO. Not very well, but I know him.

Mr. HALLEY. You know him?

Mr. LACOCO. Yes.

Mr. HALLEY. They call him the enforcer, don't they?

Mr. LACOCO. Sir?

Mr. HALLEY. Don't they call him the enforcer?

Mr. LACOCO. I never heard of that.

Mr. HALLEY. You never heard that nickname for him?

Mr. LACOCO. No, sir.

Mr. HALLEY. Do you know John Blando?

Mr. LACOCO. Yes, sir.

Mr. HALLEY. How long have you known Johnnie Blando?

Mr. LACOCO. Oh, 25 years or more.

Mr. HALLEY. Do you know Vincent Chiapetti?

Mr. LACOCO. Yes, sir.

Mr. HALLEY. How long have you known him?

Mr. LACOCO. About 30 years.

Mr. HALLEY. Do you know Frank Larocca?

Mr. LACOCO. Yes, sir.

Mr. HALLEY. How long?

Mr. LACOCO. Twenty-five, thirty years.

Mr. HALLEY. Do you know Jack Ancona?

Mr. LACOCO. Yes, sir.

Mr. HALLEY. How long have you known him?

Mr. LACOCO. Twenty-five years, I guess.

Mr. HALLEY. Do you know Paul Farrantelli?

Mr. LACOCO. Yes, sir.

Mr. HALLEY. How long have you known him?

Mr. LACOCO. About the same.

Mr. HALLEY. Do you know Joseph Lascoula?

Mr. LACOCO. Joe Lascoula.

Mr. HALLEY. How long have you known him?

Mr. LACOCO. Forty years.

Mr. HALLEY. Forty years?

Mr. LACOCO. Yes.

Mr. HALLEY. He is one of your oldest friends.

Mr. LACOCO. Yes; he is a friend.

Mr. HALLEY. And Louie Congeloso?

Mr. LACOCO. I know him, but I don't know him very well.

Mr. HALLEY. How long have you known him?

Mr. LACOCO. A few years.

Mr. HALLEY. On and off?

Mr. LACOCO. Yes.

Mr. HALLEY. About 10 years?

How about Antonio Bonnio?

Mr. LACOCO. I don't think I know him.

Mr. HALLEY. Bonnio?

Mr. LACOCO. No.

Mr. HALLEY. You don't know him?

Mr. LACOCO. I don't think so.

Mr. HALLEY. Do you know DeSimone?

Mr. LACOCO. Which DeSimone?

Mr. HALLEY. Jim.

Mr. LACOCO. Yes.

Mr. HALLEY. How long have you known him?

Mr. LACOCO. Fifteen years.

Mr. HALLEY. Do you know Vito Balestrere?

Mr. LACOCO. Yes.

Mr. HALLEY. How long have you known him?

Mr. LACOCO. Thirty years.

Mr. HALLEY. How long did you know Charlie Binaggio?

Mr. LACOCO. Well, I know Charlie 20 years or more; 20 years, 15, 20 years, something like that.

Mr. HALLEY. Were you ever in the liquor business in prohibition days?

Mr. LACOCO. No, sir.

Mr. HALLEY. Charlie was, wasn't he?

Mr. LACOCO. I don't know.

Mr. HALLEY. Well; he was indicted on a liquor violation. Were you around when that occurred?

Mr. LACOCO. When prohibition was going on?

Mr. HALLEY. When Charlie was indicted.

Mr. LACOCO. I don't remember that.

Mr. HALLEY. Did you ever have anything whatsoever to do with the liquor business in prohibition?

Mr. LACOCO. No, sir.

Mr. HALLEY. How long have you known Charlie Gargotta?

Mr. LACOCO. I knew Charlie all my life.

Mr. HALLEY. And did you know Mary Bonomo?

Mr. LACOCO. Slightly.

Mr. HALLEY. You did know her.

Mr. LACOCO. Yes; I knew her.

Mr. HALLEY. Did you know Carl Carramusa?

Mr. LACOCO. What is the name?

Mr. HALLEY. Or did you know Frank Carramusa?

The CHAIRMAN. Carramusa.

Mr. LACOCO. There is a Carl Carramusa.

Mr. HALLEY. You knew Carl.

Mr. LACOCO. Yes, sir.

Mr. HALLEY. How long did you know him?

Mr. LACOCO. I knew Carl when his dad had the grocery store on Walnut Street.

Mr. HALLEY. And were you around when his little brother the 11 year old boy, was killed?

Mr. LACOCO. I don't remember that.

Mr. HALLEY. Do you remember he was shot in the head with a shotgun?

Mr. LACOCO. No, sir, I don't remember that, but I did remember his dad, his whole family.

Mr. HALLEY. Did you know a policeman named Olivero?

Mr. LACOCO. Yes.

Mr. HALLEY. Did you know him well?

Mr. LACOCO. Not too well.

Mr. HALLEY. He was killed, too, wasn't he?

Mr. LACOCO. I don't know.

Mr. HALLEY. Didn't you know that he was murdered?

Mr. LACOCO. No.

Mr. HALLEY. You know Mary Bonomo was murdered.

Mr. LACOCO. I read it in the newspaper; yes, sir.

Mr. HALLEY. And you know that Carl Carramusa was murdered, don't you?

Mr. LACOCO. I read it in the paper; yes, sir.

Mr. HALLEY. Did you know Joe Raimo?

Mr. LACOCO. Joe Raimo?

Mr. HALLEY. Yes.

Mr. LACOCO. I don't remember that.

Mr. HALLEY. Do you know Mike Licausi?

Mr. LACOCO. Mike Licausi?

Mr. HALLEY. Yes.

Mr. LACOCO. I can't recall that name.

Mr. HALLEY. Did you know Johnny Mutolo?

Mr. LACOCO. No.

Mr. HALLEY. You didn't know Fred Renegar, the fellow who ran the crap game at the State Line?

Mr. LACOCO. No, sir.

Mr. HALLEY. He was killed, too, though; you know that.

Mr. LACOCO. I read it in the paper; yes, sir.

Mr. HALLEY. What other businesses do you have?

Mr. LACOCO. Right today?

Mr. HALLEY. Well, up to the time you went to jail.

Mr. LACOCO. Well, I just have the drug store.

Mr. HALLEY. Didn't you own a motel?

Mr. LACOCO. Yes.

Mr. HALLEY. Down in Arizona?

Mr. LACOCO. I had a motel in Arizona.

Mr. HALLEY. And how long have you had that?

Mr. LACOCO. Well, I bought that in 1948, the early part of 1948, and I had it since just a few months ago.

Mr. HALLEY. What was your income in 1949?

Mr. LACOCO. I have to look up the auditor. I don't remember what it was.

Mr. HALLEY. Well, about.

Mr. LACOCO. I don't know, sir.

Mr. HALLEY. Was it over \$25,000?

Mr. LACOCO. Oh, no. No, sir; not that kind.

Mr. HALLEY. Was it over \$20,000?

Mr. LACOCO. Not that kind of money at all.

Mr. HALLEY. You were sent to jail for income-tax violations?

Mr. LACOCO. In 1949, you are talking about. No.

Mr. HALLEY. Let us go back to 1948.

Mr. LACOCO. I had a good year in 1948.

Mr. HALLEY. How much did you make?

Mr. LACOCO. I don't know, unless you get the books.

Mr. HALLEY. Was it over \$25,000?

Mr. LACOCO. No; around \$20,000, around 20, a little over.

Mr. HALLEY. Around 20 or a little over?

Mr. LACOCO. Something like that.

Mr. HALLEY. Did you have a good year in 1947?

Mr. LACOCO. Fairly good year; yes, sir.

Mr. HALLEY. What did you pay for this motel down in Arizona?

Mr. LACOCO. \$48,000.

Mr. HALLEY. \$48,000?

Mr. LACOCO. Yes, sir.

Mr. HALLEY. Where did you get that kind of money?

Mr. LACOCO. Well, I accumulated it.

Mr. HALLEY. Over how many years?

Mr. LACOCO. Well, from 1944 to 1948.

Mr. HALLEY. What did you earn in 1944? Were you earning big money during all of that time?

Mr. LACOCO. I will have to look at the books. I don't remember what I have got.

Mr. HALLEY. Did you ever talk to the sheriff of Santa Cruz County, in Arizona, and ask him if he would allow you to run a little gambling down there?

Mr. LACOCO. No, sir.

Mr. HALLEY. If he says you did, is he saying something that is not true?

Mr. LACOCO. Absolutely.

Mr. HALLEY. Didn't you approach him and say that you would like to give him a proposition for a little gambling in the county?

Mr. LACOCO. No, sir.

Mr. HALLEY. You never did that?

Mr. LACOCO. No, sir.

Mr. HALLEY. Do you know the sheriff down in Santa Cruz County?

Mr. LACOCO. I only met him once. I don't think, no, not the sheriff, the chief of police.

Mr. HALLEY. Do you know a man named James Lowe?

Mr. LACOCO. No, sir.

Mr. HALLEY. You never met the sheriff?

Mr. LACOCO. No, sir.

Mr. HALLEY. Never saw him in your life?

Mr. LACOCO. I don't think I have.

Mr. HALLEY. Is it possible that you did without realizing his name?

Mr. LACOCO. Well, I don't know how. I am almost positive that I haven't.

Mr. HALLEY. When did you meet the chief of police down there?

Mr. LACOCO. Oh, one time they had a collection for the police funds there, they come over to the place, and they was collecting some money, and I gave them a little money for the police fund.

Mr. HALLEY. Did you ever talk to him about gambling in Arizona?

Mr. LACOCO. No, sir.

Mr. HALLEY. Didn't you tell him you wanted just to have a little handbook in one of the rooms in the motel?

Mr. LACOCO. You can prove that, and I will buy you a suit of clothes.

Mr. HALLEY. I don't need the suit of clothes. You say that if the sheriff sent that word to us, you say that is untrue?

Mr. LACOCO. Absolutely.

Mr. HALLEY. You are willing to swear under oath before this committee that you never made any proposition to the sheriff or asked him if you could start a little handbook in your motel in Arizona?

Mr. LACOCO. I might have met him, but I am positive—I don't know.

Mr. HALLEY. Think carefully now.

Mr. LACOCO. I am thinking carefully.

Mr. HALLEY. You say you met the chief of police?

Mr. LACOCO. Yes.

Mr. HALLEY. Did you ever go to the sheriff's office?

Mr. LACOCO. No, sir.

Mr. HALLEY. Do you know the name of the sheriff of Santa Cruz County?

Mr. LACOCO. No, sir.

Mr. HALLEY. So if you met him, even if you met him, you had no particular conversation with him?

Mr. LACOCO. I wouldn't know him if he walked in here now. I don't think I would know him.

Mr. HALLEY. You are willing to swear that you had no conversation of a business nature with the sheriff?

Mr. LACOCO. Yes, sir.

Mr. HALLEY. Did you have a conversation with anybody by the name of Lowe; James Lowe?

Mr. LACOCO. No, sir.

Mr. HALLEY. It might be pronounced "Low-ee."

Mr. LACOCO. No, sir.

Mr. HALLEY. You had no conversation with anybody by that name?

Mr. LACOCO. No, sir; pertaining to gambling, no, sir.

Mr. HALLEY. Did you have a conversation with anybody in Arizona about opening up any kind of a gambling operation in your motel in Arizona, located, it is the El Riposo Motel?

Mr. LACOCO. Yes, sir. Not as I can remember of; no, sir.

Mr. HALLEY. You did not have any conversation with anybody about opening up that for gambling?

Mr. LACOCO. That is right.

Mr. HALLEY. Did you have a conversation with anybody whatsoever about starting just a little handbook in a room in the motel?

Mr. LACOCO. No, sir.

Mr. HALLEY. You are sure you had no such conversation.

Mr. LACOCO. Positive.

Mr. HALLEY. And you are sure you don't know the sheriff or you think you don't know him?

Mr. LACOCO. I don't think I know him.

Mr. HALLEY. Were you present when Gargotta was arrested by Sheriff Tom Bash?

Mr. LACOCO. Was I present?

Mr. HALLEY. Yes; were you there?

Mr. LACOCO. No, sir.

Mr. HALLEY. You remember when Gargotta was arrested?

Mr. LACOCO. I don't know what date it was or what year it was.

Mr. HALLEY. It was in 1934, wasn't it?

Mr. LACOCO. I don't know.

Mr. HALLEY. He was arrested for shooting a man named Anthon. Do you remember that?

Mr. LACOCO. No, sir.

Mr. HALLEY. You remember that he was arrested, don't you?

Mr. LACOCO. Yes, sir.

Mr. HALLEY. By Sheriff Bash.

Mr. LACOCO. I read the papers, yes.

Mr. HALLEY. There was a lot of shooting at the time of the arrest, do you remember that?

Mr. LACOCO. I remember reading the papers, yes, sir.

Mr. HALLEY. Weren't you there on that occasion?

Mr. LACOCO. No, sir.

Mr. HALLEY. Weren't you in one of the automobiles that was on the scene on that occasion?

Mr. LACOCO. No, sir.

Mr. HALLEY. Where were you the night that Charlie Binaggio was killed?

Mr. LACOCO. I was on Thirty-first and Brooklyn.

Mr. HALLEY. What were you doing there?

Mr. LACOCO. We had a little crap game there.

Mr. HALLEY. Were you an owner of the crap game?

Mr. LACOCO. Yes, sir; I had a percentage in it.

Mr. HALLEY. Who else had a percentage?

Mr. LACOCO. Walt Rainey and Abe Freedlander, and I think a couple of other fellows. I can't think of their names.

Mr. HALLEY. How long were you there?

Mr. LACOCO. Not very long, 6, 7 days.

Mr. HALLEY. How long were you there on the night of April 6, 1950?

Mr. LACOCO. April the 6th?

Mr. HALLEY. Yes; April 6, is it not, 1950?

Mr. LACOCO. You mean this is when the boy got killed?

Mr. HALLEY. The night that Binaggio and Gargotta got killed.

Mr. LACOCO. I left home about 6:30 or 7 o'clock.

Mr. HALLEY. Yes.

Mr. LACOCO. I stayed there until 2:30, 3 o'clock in the morning.

Mr. HALLEY. You were there all of that time?

Mr. LACOCO. Yes, sir.

Mr. HALLEY. Running the crap game.

Mr. LACOCO. Well, whenever if there was a crap game.

Mr. HALLEY. At that time were you still in the State Line crap game, too?

Mr. LACOCO. Yes.

Mr. HALLEY. And where did you go at 2:30 in the morning?

Mr. LACOCO. 2:30 in the morning I went home.

Mr. HALLEY. You went home?

Mr. LACOCO. Yes.

Mr. HALLEY. When did you first hear that Binaggio had been killed?

Mr. LACOCO. Well, my niece called me up, in fact she called my daughter, and so they commenced crying, so I answered the phone, so she said, "Charlie has not come home yet." So I put on my clothes and went out to the house.

Mr. HALLEY. Out to what house?

Mr. LACOCO. At my niece's house. That is Mrs. Binaggio.

Mr. HALLEY. Mrs. Binaggio is your niece?

Mr. LACOCO. Yes.

Mr. HALLEY. And what time was that?

Mr. LACOCO. Oh, in the morning, I don't know, about 8 o'clock, 7 or 8 o'clock, something like that.

Mr. HALLEY. Had she called anybody before she called you?

Mr. LACOCO. I don't know.

Mr. HALLEY. She didn't call you until 7 or 8 o'clock?

Mr. LACOCO. She called me that morning, exactly, I don't know, what time it was.

Mr. HALLEY. Were you up already?

Mr. LACOCO. I was in bed.

Mr. HALLEY. You were awakened by the call?

Mr. LACOCO. My wife called me.

Mr. HALLEY. Did you hear from Tony Gizzo that night?

Mr. LACOCO. I don't remember.

Mr. HALLEY. Did he call you up that morning?

Mr. LACOCO. He might have. I might have been out to the house. He might have called me.

Mr. HALLEY. Did you see Tony Gizzo the next morning, the morning after the murder?

Mr. LACOCO. Oh, I don't remember, I was so excited.

Mr. HALLEY. Did you go to the Coates House that morning? You know where the Coates House is?

Mr. LACOCO. Yes.

Mr. HALLEY. That is Gizzo's betting establishment; is that right?

Mr. LACOCO. I believe I did go by there that morning.

Mr. HALLEY. About what time?

Mr. LACOCO. I don't know whether that morning or that afternoon.

Mr. HALLEY. How did you happen to go by the Coates House?

Mr. LACOCO. Well, I just happened to go by that way.

Mr. HALLEY. Did you stop in and talk to Gizzo?

Mr. LACOCO. I don't think I did. I don't think I met Tony there.

Mr. HALLEY. You didn't talk to Gizzo the day after the murder?

Mr. LACOCO. I don't remember whether I talked to him or not.

Mr. HALLEY. He didn't call you up, though, and ask you to come over to the Coates House, did he?

Mr. LACOCO. I don't know. He might have. I was excited that day. I just don't remember whether he did or not, sir.

Mr. HALLEY. It might prove to be important, so will you try?

Mr. LACOCO. He could have called me. Now, I am just——

Mr. HALLEY. You can't ride both sides of every horse, you know. Either he called you or he didn't.

Mr. LACOCO. I am trying to answer the best I know how, because that day all the folks were crying and all upset and everything.

Mr. HALLEY. I understand that. You first heard about it——

Mr. LACOCO. He could have called me.

Mr. HALLEY. At home?

Mr. LACOCO. He could have called me at home. I wasn't there or maybe I was there. I just don't remember.

Mr. HALLEY. You testified a little while ago that you left home right after Mrs. Binaggio called you, is that right?

Mr. LACOCO. Yes; that is right.

Mr. HALLEY. You went over to Charlie Binaggio's house; is that right?

Mr. LACOCO. Yes.

Mr. HALLEY. You must have gotten there pretty early in the morning.

Mr. LACOCO. I didn't know what time it was.

Mr. HALLEY. Up to the time you went to Charlie Binaggio's house had Gizzo called you?

Mr. LACOCO. Not then.

Mr. HALLEY. He had not called you?

Mr. LACOCO. I don't think so.

Mr. HALLEY. So if you heard from Gizzo it was later in the day, is that right?

Mr. LACOCO. It could have been that day or he could have called early when I wasn't there.

Mr. HALLEY. But you couldn't have gotten the message?

Well, there is no point in going further with it.

Did you go to the Coates House as a result of a phone call from Gizzo or didn't you?

Mr. LACOCO. I came by there. I came by the Coates House.

Mr. HALLEY. You went to the Coates House?

Mr. LACOCO. Yes, but——

Mr. HALLEY. You saw Gizzo there?

Mr. LACOCO. I don't know whether I saw Gizzo there or not.

Mr. HALLEY. How do you remember that you went by the Coates House?

Mr. LACOCO. Because I drove down Broadway.

Mr. HALLEY. What did you do when you got to the Coates House? Did you go in?

Mr. LACOCO. I don't think so, no, sir.

Mr. HALLEY. Did you stop your car at the Coates House?

Mr. LACOCO. Well, I didn't stop. I went over to get a cup of coffee.

Mr. HALLEY. Where?

Mr. LACOCO. On Eighth Street.

Mr. HALLEY. Near the Coates House?

Mr. LACOCO. No. That is on Eighth and Walnut, between Walnut and Grand.

Mr. HALLEY. You say you went by the Coates House. Do you mean you just drove past?

Mr. LACOCO. Just drove by there; yes.

Mr. HALLEY. You didn't go in it?

Mr. LACOCO. No, I didn't go in it.

Mr. HALLEY. You didn't go into Gizzo's cigar store at all?

Mr. LACOCO. I don't remember. I might have.

Mr. HALLEY. You are being very evasive.

Mr. LACOCO. I just don't remember. I know. I just don't remember.

Mr. HALLEY. You must have been questioned about your movements on that day very often. I should think you would remember.

Mr. LACOCO. No, I was all excited.

Mr. HALLEY. Who questioned you about your movements on the morning after Binaggio was shot?

Mr. LACOCO. I don't remember anyone questioning me.

Mr. HALLEY. Nobody?

Mr. LACOCO. Not as I know of.

Mr. HALLEY. Didn't the police question you?

Mr. LACOCO. No.

Mr. HALLEY. Have you ever been questioned about the Binaggio murder?

Mr. LACOCO. Yes. Oh, that is right. The police did question me about it.

Mr. HALLEY. I should think so.

Mr. LACOCO. Well, these things come up. I just don't remember them.

Mr. HALLEY. This is a pretty important thing that came up. It blew the lid off this town, didn't it? You were questioned quite often, weren't you, about it?

Mr. LACOCO. Sir?

Mr. HALLEY. You were questioned quite often about it, were you not?

Mr. LACOCO. No, not too often.

Mr. HALLEY. Evasive testimony is just as bad as perjurious testimony if it is so evasive that it is obvious you are simply trying not to answer the questions that are being put to you, Mr. Lacoco.

Mr. LACOCO. I am trying to answer the best I know how.

Mr. HALLEY. Let's start over again. There is no point in keeping this up all night because we are not here to investigate anything beyond this committee's direct jurisdiction, but it seems to me you should be able to answer very simply the following question: Did you go into the Coates house on the day after Binaggio was murdered?

Mr. LACOCO. I don't think I did, sir.

Mr. HALLEY. You don't think you did?

Mr. LACOCO. No, sir.

Mr. HALLEY. Did you receive a phone call from Tony Gizzo the morning after the Binaggio murder?

Mr. LACOCO. I could have, yes. I could have had a call from him.

Mr. HALLEY. Did you?

Mr. LACOCO. I don't know.

Mr. HALLEY. Did you personally talk to him on the telephone?

Mr. LACOCO. No, sir; I couldn't have talked to him.

Mr. HALLEY. You personally did not talk to him that morning?

Mr. LACOCO. Not that I can remember.

Mr. HALLEY. Now turning to the wire service, you had a quarter interest in the wire service, is that right?

Mr. LACOCO. I had a 25-percent interest; yes, sir.

Mr. HALLEY. Who brought that to you?

Mr. LACOCO. Osadchey.

Mr. HALLEY. What did he tell you?

Mr. LACOCO. He said he had a chance to get the service, and wanted to know if I was interested in it. So I said "How is it?" He said, "I guess we can make a little money off of it." I said all right.

Mr. HALLEY. Did you ever help him out?

Mr. LACOCO. No, sir.

Mr. HALLEY. You never did anything there, did you?

Mr. LACOCO. I gave, only gave him \$1,250 and then he gave it back to me 5 or 6 weeks afterward.

Mr. HALLEY. In other words, you put \$1,250 in and 5 or 6 weeks afterward you got your money back, is that right?

Mr. LACOCO. Yes, sir; that is right.

Mr. HALLEY. Then you drew profits out of it for 2 or 2½ years, is that right?

Mr. LACOCO. Yes, sir.

Mr. HALLEY. What has finally happened to it? Do you still have an interest in the wire service?

Mr. LACOCO. No, sir.

Mr. HALLEY. What is the situation today?

Mr. LACOCO. Everything is shut down.

Mr. HALLEY. You just shut it down, is that right?

Mr. LACOCO. Just quit.

Mr. HALLEY. What did you do, quit all your businesses the day after Binaggio was murdered?

Mr. LACOCO. I guess so. They all closed up.

Mr. HALLEY. Why did you close all these things up as a result of that murder?

Mr. LACOCO. We couldn't run.

Mr. HALLEY. Was it Binaggio who made it possible for you to run?

Mr. LACOCO. I don't know.

Mr. HALLEY. Or was it that his murder brought the heat on you?

Mr. LACOCO. I guess that is what it was.

Mr. HALLEY. I think that is all, Mr. Chairman.

The CHAIRMAN. Who did you get protection from before he was killed?

Mr. LACOCO. There was no protection.

The CHAIRMAN. You were in about five or six places here, according to this exhibit. (Exhibit No. 9, see appendix p. 412.) Thirty-first and Holmes, State Line, and then some of these dice games, 1711 East Ninth Street. How did you operate those things where people could come and go unless you got some protection?

Mr. LACOCO. We had closed door, sir.

The CHAIRMAN. You had customers who came in, didn't you?

Mr. LACOCO. Yes, sir.

The CHAIRMAN. Did you know the cop on the beat?

Mr. LACOCO. No, sir.

The CHAIRMAN. Did you pay ice money or protection money to somebody?

Mr. LACOCO. No, sir.

The CHAIRMAN. What did you do for the wire service? Did you ever work at it at all and pull in any customers?

Mr. LACOCO. No, sir.

The CHAIRMAN. You never turned your hand?

Mr. LACOCO. No, sir.

The CHAIRMAN. You got a good deal of money out of it?

Mr. LACOCO. Yes, sir.

The CHAIRMAN. All right; that is all.

Mr. HALLEY. I have one other question.

Did you deliver the \$30,000 for the Gargotta bail?

Mr. LACOCO. Yes, sir.

Mr. HALLEY. Who did you deliver it to?

Mr. LACOCO. A fellow by the name of Lou Farrell.

Mr. HALLEY. Where did you deliver it?

Mr. LACOCO. In a little town in Iowa. I don't recall the town, but it is in Iowa.

Mr. HALLEY. Where did you get the \$30,000?

Mr. LACOCO. Well, sir, Mrs. Gargotta called me up and said her husband was arrested and she said she had to have \$30,000 bond for Charlie and his brother. So I went out to the house to see how much money she had.

Mr. HALLEY. To whose house did you go?

Mr. LACOCO. To Mrs. Gargotta. So she gave me some money.

Mr. HALLEY. How much?

Mr. LACOCO. \$7,500. I approached a fellow by the name of Paul Nigro on Third and Walnut and I got \$7,000 from him. Then I got \$3,000 from a man named Joe Barber, and I got \$5,000 from Tony Gizzo, and I put in the balance.

Mr. HALLEY. Was it all cash?

Mr. LACOCO. Yes, sir.

Mr. HALLEY. What size bills did Tony Gizzo give you?

Mr. LACOCO. \$100 bills, fifties, large money.

Mr. HALLEY. What size bills did you put in yourself?

Mr. LACOCO. I had some twenties and tens and fives.

Mr. HALLEY. How much did you put in?

Mr. LACOCO. \$7,500.

Mr. HALLEY. In tens and twenties and fives?

Mr. LACOCO. That is what I had.

Mr. HALLEY. It must have made a very big pile, didn't it?

Mr. LACOCO. Pretty good size.

Mr. HALLEY. How did you carry it out to Iowa?

Mr. LACOCO. I had it in the back end of my car.

Mr. HALLEY. It must have made a great big package.

Mr. LACOCO. Not so big; about that big [indicating].

Mr. HALLEY. Did you habitually carry as much as \$7,500 in small bills?

Mr. LACOCO. No; I didn't have it in my pocket. I had it at home.

Mr. HALLEY. Where did you keep it at home?

Mr. LACOCO. In a box.

Mr. HALLEY. Habitually, before you went to jail, did you keep that much money in a box at home?

Mr. LACOCO. Before I went to jail?

Mr. HALLEY. Yes.

Mr. LACOCO. No, I didn't have that money before I went to jail.

Mr. HALLEY. How much have you been in the habit of keeping at home in a box?

Mr. LACOCO. In the habit of having a pretty good sum.

Mr. HALLEY. What would you call a pretty good sum?

Mr. LACOCO. I have had as high as \$20,000 at home, because you need that money sometimes if you are in business. You have to pay the fellows off.

Mr. HALLEY. Don't you find it inconvenient to keep that much money in \$5, \$10, and \$20 bills?

Mr. LACOCO. No, I don't.

Mr. HALLEY. Do you have a very big box?

Mr. LACOCO. Pretty good size box.

Mr. HALLEY. How big is your box?

Mr. LACOCO. About this big [indicating].

Mr. HALLEY. And you keep fives, tens, and twenties in it?

Mr. LACOCO. Yes; maybe fifties and hundreds, whatever—

Mr. HALLEY. Do you deal with smaller bettors than Gizzo? He testified that his is fifties and hundreds.

Mr. LACOCO. I don't know what he deals in. But I know what I had at home.

Mr. HALLEY. Did you hear there was a robbery that same night? You delivered that bail in the morning, didn't you?

Mr. LACOCO. Sir?

Mr. HALLEY. You delivered the bail in the morning, did you not?

Mr. LACOCO. I left Kansas City early one morning and I got in the town about 8 or 8:30.

Mr. HALLEY. It was also April 6, 1947?

Mr. LACOCO. I don't know the date. It was in 1947, but I don't remember the date.

Mr. HALLEY. You got into town around seven in the morning with the money?

Mr. LACOCO. No; it was a little later than that, I think.

Mr. HALLEY. A little later.

Mr. LACOCO. Yes, sir. I don't know exactly the time.

Mr. HALLEY. What town was that?

Mr. LACOCO. I don't remember the town. It is in Iowa.

Mr. HALLEY. Was it far from Omaha?

Mr. LACOCO. I guess it was.

Mr. HALLEY. How far from Omaha?

Mr. LACOCO. I don't know.

Mr. HALLEY. Wasn't it Atlantic, Iowa?

Mr. LACOCO. What?

Mr. HALLEY. Atlantic. Wasn't that the town?

Mr. LACOCO. It could have been Atlantic.

Mr. HALLEY. How far is that from Omaha?

Mr. LACOCO. I don't know the distance.

Mr. HALLEY. You could have gotten there from 4 a. m., couldn't you?

Mr. LACOCO. From Omaha?

Mr. HALLEY. Yes, to Atlantic.

Mr. LACOCO. I don't know.

Mr. HALLEY. Did you hear there was a robbery in Omaha at the Stork Club that same day at 4 a. m.?

Mr. LACOCO. No, sir.

Mr. HALLEY. Did you ever hear that?

Mr. LACOCO. No, sir.

Mr. HALLEY. That \$78,000 in small bills was taken?

Mr. LACOCO. No, sir.

Mr. HALLEY. That never came to your attention?

Mr. LACOCO. No, sir.

Mr. HALLEY. Were you ever in the Stork Club at Council Bluffs?

Mr. LACOCO. No, sir.

Mr. HALLEY. Did you ever hear of the Stork Club?

Mr. LACOCO. Yes.

Mr. HALLEY. Two of your former partners went into the Stork Club business some time after that, isn't that right?

Mr. LACOCO. I don't know.

Mr. HALLEY. Spitz and Klein were in the Stork Club; weren't they?

Mr. LACOCO. I guess they were.

Mr. HALLEY. Did you have anything to do with the robbery at the Stork Club?

Mr. LACOCO. No, sir.

Mr. HALLEY. You are sure of that?

Mr. LACOCO. Positive.

Mr. HALLEY. You are positive that you got the \$30,000 bail money from the people you just said you got it from?

Mr. LACOCO. Absolutely.

Mr. HALLEY. That is all.

The CHAIRMAN. That is all, Mr. Lacoco.

Mr. LACOCO. Thank you.

The CHAIRMAN. The committee will stand in recess until 7:30 this evening.

(Whereupon, at 5:10 p. m., the committee recessed until 7:30 p. m. the same day.)

EVENING SESSION

The CHAIRMAN. The committee will come to order.

Will Mr. Goulding come around, please.

Mr. Goulding, you solemnly swear the testimony you give this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. GOULDING. I do.

TESTIMONY OF JOHN PATRICK GOULDING, KANSAS CITY, MO.

Mr. HALLEY. What is your full name?

Mr. GOULDING. John Patrick Goulding.

Mr. HALLEY. Where do you live?

Mr. GOULDING. 3447 Coleman Road.

Mr. HALLEY. What is your business?

Mr. GOULDING. Primarily the real-estate business.

Mr. HALLEY. Do you own the premises known as the State Line and the Last Chance Tavern?

Mr. GOULDING. I have it under my control. My mother owns the property.

Mr. HALLEY. It is owned by your family; is that right?

Mr. GOULDING. Yes, sir.

Mr. HALLEY. That is located on Southwest Boulevard?

Mr. GOULDING. Yes, sir.

Mr. HALLEY. Right on the line between Missouri and Kansas; is that right?

Mr. GOULDING. Yes, sir.

Mr. HALLEY. You also own the property on the other side of the line of the street?

Mr. GOULDING. My aunt owns that.

Mr. HALLEY. That is, your family does.

Mr. GOULDING. I have it under my control; yes, sir.

Mr. HALLEY. The property on the opposite side of the street has been commercially developed—is that right?—with large commercial enterprises.

Mr. GOULDING. Now, just what do you have reference to there? I don't know what you mean by "large commercial enterprises."

Mr. HALLEY. I drove out there, and I saw what looked like a perfectly respectable big development. One seemed to be some kind of yard.

Mr. GOULDING. Morton Meyers Chemical Co.; yes, sir.

Mr. HALLEY. But, on the other side of the street, you have a sort of shanty. Isn't that right?

Mr. GOULDING. That used to be known as the Western Roofing Co.; that is on the north side of the street.

Mr. HALLEY. The State Line proposition is a pretty rickety old shanty; isn't it?

Mr. GOULDING. A brick building, brick structure.

Mr. HALLEY. It is pretty old and pretty dilapidated. Wouldn't you say so?

Mr. GOULDING. Of course, anybody don't like to admit their property is in bad shape.

Mr. HALLEY. It does not look very good; does it?

Mr. GOULDING. No; I would not say it did.

Mr. HALLEY. The line cuts across more or less at an angle; is that right?

Mr. GOULDING. Yes, sir.

Mr. HALLEY. And on the Missouri side you have a tavern; is that correct?

Mr. GOULDING. Yes, sir. My family has a tavern; yes, sir.

Mr. HALLEY. And, of course, it would be illegal to sell the liquor in Kansas. Is that right?

Mr. GOULDING. Yes, sir.

Mr. HALLEY. And then there is a place where the State-line gambling took place—is that right?—next door to the tavern?

Mr. GOULDING. After a fashion, yes.

Mr. HALLEY. And in the back of the store there has been built a large shed lined with sheet metal; is that right?

Mr. GOULDING. Correct.

Mr. HALLEY. And a crap game runs in that big shed?

Mr. GOULDING. Well, at different times; yes.

Mr. HALLEY. And the line runs right through it; is that correct?

Mr. GOULDING. Now, where that line is, I can't tell you. I am not a surveyor.

Mr. HALLEY. And the less certain it is, the better.

Mr. GOULDING. Sir?

Mr. HALLEY. The less definite about where that line is, the better, I presume.

Mr. GOULDING. Well, I have never tried to establish it; no.

Mr. HALLEY. Isn't that the great, the chief value, if not the only value, of these premises: that it is possible to have activities there?

Mr. GOULDING. That boulevard property is worth about \$300 a front foot.

Mr. HALLEY. Isn't the chief value that any activity going on in that shed there could be said to be in either State, and nobody can very well prove which State it is in?

Mr. GOULDING. Well, now, I am not—a real-estate man has no way to put a value on anything.

Mr. HALLEY. Let us talk about it as a gambling man.

Mr. GOULDING. I would say that would be very nice as a gambling place; yes, sir.

Mr. HALLEY. I am sorry, will you speak up?

Mr. GOULDING. That would be very nice as a gambling place.

Mr. HALLEY. It has been very nice as a gambling place for many years.

Mr. GOULDING. Yes; I suppose it has.

Mr. HALLEY. And you and your family have always gotten 25 percent of any gambling that went on in that place; is that right?

Mr. GOULDING. As a rental, yes.

Mr. HALLEY. That would be a 25-percent interest.

Mr. GOULDING. Sir?

Mr. HALLEY. Twenty-five percent.

Mr. GOULDING. Twenty-five percent as a rental, just the same as Mr. Nichols at the Plaza charges 12½ percent on his building as a rental.

Mr. HALLEY. Except that the activity in this particular building is illegal; is that right?

Mr. GOULDING. We didn't go in there to examine them and ask them what they were doing.

Mr. HALLEY. You knew what they were doing.

Mr. GOULDING. Perhaps I did, but I didn't go in to find out.

Mr. HALLEY. Please, now, let us not quibble. We are just here to get a little testimony out of you.

Mr. GOULDING. You know and I know that there has been gambling going on there from time to time; yes.

Mr. HALLEY. And you know it.

Mr. GOULDING. Yes, sir.

Mr. HALLEY. All right. We will get along fine if we don't quibble. You were getting 25 percent.

Mr. GOULDING. Yes, correct.

Mr. HALLEY. Of the profit; is that right?

Mr. GOULDING. That is right.

Mr. HALLEY. Did you put up 25 percent of the bankroll?

Mr. GOULDING. Yes.

Mr. HALLEY. Then you were in the game for 25 percent.

Mr. GOULDING. Twenty-five percent.

Mr. HALLEY. Is that right?

Mr. GOULDING. Yes, sir.

Mr. HALLEY. At the beginning of 1947, who had that game?

Mr. GOULDING. Fred Renegar.

Mr. HALLEY. And did he have any partners in it besides you?

Mr. GOULDING. Yes; he had some partners.

Mr. HALLEY. Who were they? Do you remember?

Mr. GOULDING. Well, let me see, now. They were Bob Deraro, Bill Fabini.

Mr. HALLEY. They were having a little trouble with bombs; weren't they?

Mr. GOULDING. Well, not at that time.

Mr. HALLEY. On one occasion weren't you in the tavern when a bomb went off?

Mr. GOULDING. That is right, but that was back in 1943, 1944; along in there.

Mr. HALLEY. 1943 and 1944. Weren't there bombs subsequently, too?

Mr. GOULDING. Sir?

Mr. HALLEY. Weren't there bombings subsequently, too?

Mr. GOULDING. Yes; there was three bombs set off out there. One along about 1943, and I believe another one in about 1944, 1945; along in there.

Mr. HALLEY. Then, about 1947, Renegar was killed; is that right?

Mr. GOULDING. Along in January of 1947.

Mr. HALLEY. And then the game closed down; is that correct?

Mr. GOULDING. Yes, sir.

Mr. HALLEY. And toward the latter part of 1947, did a McElroy come to see you about opening it?

Mr. GOULDING. Yes, McElroy; yes, sir.

Mr. HALLEY. What was your conversation with McElroy?

Mr. GOULDING. Well, he just asked me if he could come down there and hang around and start up a little game. I told him it was all right with me.

Mr. HALLEY. He indicated it would be just a little game without any big money?

Mr. GOULDING. That was my idea about it. When he came back the next time, he had Mr. Klein with him.

Mr. HALLEY. What was the conversation at that time?

Mr. GOULDING. Well, he said that he thought perhaps Mr. Klein and his associates could bring in more business. He thought it would be the proper thing to do.

Mr. HALLEY. And you said something about having understood it was just going to be a small, little game.

Mr. GOULDING. I said he thought they could bring in a lot of business and make a lot of money.

Mr. HALLEY. Didn't he say that he knew you could not operate a game out there without them?

Mr. GOULDING. He thought it would be better if he brought in Mr. Klein; wouldn't have no trouble.

Mr. HALLEY. He actually said you can't operate around here——

Mr. GOULDING. I believe I told you just about what he said.

Mr. HALLEY. Isn't that what he said?

Mr. GOULDING. I couldn't——

Mr. HALLEY. That is what you said.

Mr. GOULDING. I could not be right to the absolute specific about it. He said that he thought it would be better off and he could operate better with Mr. Klein than he could if he was not "cut in."

Mr. HALLEY. Because they would have trouble if he was not "cut in."

Mr. GOULDING. He didn't say that they would have trouble. He just said he thought perhaps it would be better off if they had them cut in.

Mr. HALLEY. Didn't they actually——

Mr. GOULDING. After all, he don't have to paint a picture of those kinds of things, you know, just it is taken.

Mr. HALLEY. Of course, you understood it to mean that was one way to avoid trouble.

Mr. GOULDING. That is right.

Mr. HALLEY. And do you remember talking to a Mr. ——?

The CHAIRMAN. What kind of trouble, bombing trouble, or what kind?

Mr. GOULDING. After all, from time to time, why, when you get two bombs, and again a man gets killed, why, you don't have to paint a picture on the wall to understand things.

The CHAIRMAN. So, you thought if you got Klein there would be no more bombs and nobody would get killed.

Mr. GOULDING. I didn't think anything about that—Mr. McElroy's suggestion. I thought perhaps, well, it would be a good thing to do.

Mr. HALLEY. And did you have any more trouble after that out there?

Mr. GOULDING. Not that I remember.

Mr. HALLEY. The game ran from the end of 1947 until Binaggio was killed in April of 1949?

Mr. GOULDING. Oh, no, no. It run for—let me see—I would say the latter part of 1947 until about January of 1948. I don't just remember exactly the length of the operation. I don't think it was over 60 days.

Mr. HALLEY. Then it started up again?

Mr. GOULDING. It started up in the latter part of 1948; no, 1949.

Mr. HALLEY. And ran how long?

Mr. GOULDING. There was two different operations. One was Klein; and Freedlander, McElroy, and some other people—I could not name them all—were in on it. And they come back a little later on, and Freedlander and McElroy weren't with them. They started up again.

Mr. HALLEY. The last time they started up, was Binaggio in it, too?

Mr. GOULDING. Well, to the best of my memory, he was not in to begin with, and they said Klein was going out and Binaggio was going to take his place. I didn't pay much attention to it. It didn't make any difference to me one way or the other.

The CHAIRMAN. Binaggio was going to take Klein's place about the time Klein was going to be incarcerated, as he says. Was that about the time?

Mr. GOULDING. Well, if my memory serves me right, I believe that is right.

The CHAIRMAN. He was going off to the penitentiary, and Binaggio was going to take his place.

Mr. GOULDING. I don't know for sure whether he was going just at the time or not.

The CHAIRMAN. Anyway, Binaggio was in the game sometime or another.

Mr. GOULDING. Yes, sir.

The CHAIRMAN. In addition to your 25 percent, for which you put up 25 percent of the bankroll, did they pay you rentals?

Mr. GOULDING. No, sir.

The CHAIRMAN. Then you were putting up more than they were; were you not?

Mr. GOULDING. I was putting up my building.

The CHAIRMAN. You were putting up the building, putting up the bankroll, your part of the bankroll.

Mr. GOULDING. In order to get 25 percent.

The CHAIRMAN. Each of them put up 25 percent, and they got 25 percent of the winnings, too.

Mr. GOULDING. Well, whatever they got, I wouldn't know which one, what they put up.

The CHAIRMAN. But they operated it and they got the protection for you.

Mr. GOULDING. Whatever they got, I don't know anything about that part of it.

The CHAIRMAN. Anyway, during the time that Klein ran the place, and during the time Binaggio was out there, there was not any interference with the game?

Mr. GOULDING. No; not to my knowledge.

The CHAIRMAN. Was that a wide-open game?

Mr. GOULDING. The police raided it the first time it was closed up; that is, when they operated it with McElroy, Freedlander, and that bunch.

The CHAIRMAN. But then, when it started up again in 1948, was there any interference with it then in the latter part of 1948?

Mr. GOULDING. No; not to my knowledge.

The CHAIRMAN. Was that in the city or is that in the county?

Mr. GOULDING. It is in the city.

The CHAIRMAN. It is in the city limits?

Mr. GOULDING. City limits, between the two cities.

Mr. HALLEY. I have nothing else.

Mr. WHITE. I have one question.

Mr. Goulding, how did you satisfy yourself that you were getting a full 25 percent of the win in this place?

Mr. GOULDING. Well, generally I would take those fellows' word for it. They have the reputation of being pretty honest.

Mr. WHITE. They just said, in other words, "Here is so much money; this is 25 percent," and you had no way of checking up. Did you ever ask to examine the books or anything like that?

Mr. GOULDING. Did you early in the morning any time argue with a signboard?

Mr. WHITE. That is a good answer. You mean you felt you were forced to accept?

Mr. GOULDING. I didn't feel like I was forced, I thought that I was getting a legitimate count.

The CHAIRMAN. You felt there was no use arguing with them about it.

Mr. GOULDING. You are presuming. I thought I was getting a legitimate count. I was happy and satisfied.

The CHAIRMAN. You got a lot of money out of it.

Mr. GOULDING. I didn't get a whole lot, but I got more than I would get out of it as rent.

The CHAIRMAN. What did it pay you a week?

Mr. GOULDING. I never did cut it up into weeks, sir.

The CHAIRMAN. Over a period of operation, what did it pay you?

Mr. GOULDING. I did not take it. It was a bulk of money; whatever I got I was happy and satisfied with it.

The CHAIRMAN. What did you get?

Mr. GOULDING. You will have to get the income-tax records from the Government in order to run that down. They have got everything.

Mr. WHITE. What would it average? Would it be as much as \$50 a day?

Mr. GOULDING. Well, I think it would run a little more than that.

Mr. WHITE. One hundred dollars a day?

Mr. GOULDING. Perhaps. Now, you understand there has never been any long operation in that place—it is just—they have it just for a few days, runs maybe for a month or 6 weeks, 2 months, and then closed up.

Mr. WHITE. Another thing, was this arrangement, this trusting arrangement that you had with these people true of all of the partners that you ever had in this enterprise?

Mr. GOULDING. That is right.

Mr. WHITE. They said you were in for 25 percent, and they would give you \$100, and say "This is 25 percent, we made \$400."

Mr. GOULDING. They gave it to me in bulk at the end of the month or the end of 6 months.

Mr. WHITE. Whatever it was. But did you ever in the case of any of your partners, did you ever ask to examine their books or to count the money, the receipts at the end of the evening?

Mr. GOULDING. Oh, I have—a lot of times I would drink a little bit and ask to count it.

Mr. WHITE. After they had a few drinks?

Mr. GOULDING. After I had had a few drinks.

The CHAIRMAN. After you had had a few drinks?

Mr. GOULDING. Yes.

The CHAIRMAN. But you would not do it until you had a few drinks.

Mr. GOULDING. No.

Mr. WHITE. One other point, Mr. Goulding. When you said you were in the place one time when it was bombed, I have never been in a place when it was bombed, what does it feel like, what happens? What happened in this particular case?

Mr. GOULDING. Well, I went up, hit the ceiling and come back down on the stool that I was sitting on right quick.

Mr. WHITE. You were literally blown to the top of the roof of the place?

Mr. GOULDING. That is correct.

Mr. WHITE. And fell to the floor?

Mr. GOULDING. Yes.

The CHAIRMAN. Why do you think the bomb was set off? Who bombed your place?

Mr. GOULDING. Well, now, I never asked anybody who bombed it. I was not interested in finding out.

The CHAIRMAN. You figured out later it was some of these fellows who wanted to come and operate there, and had not had a chance to come in. Isn't that the way you figured it?

Mr. GOULDING. Well, now, there would be no deductions that I can make on that whatsoever.

The CHAIRMAN. All right, Mr. Goulding, that is all.

Mr. Weintraub.

Mr. HALLEY. Is Mr. Weintraub here?

(No response.)

The CHAIRMAN. Is Mr. Spitz here? Mr. Spitz, do you solemnly swear the testimony you will give this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SPITZ. I do.

TESTIMONY OF EDWARD PHILIP OSADCHEY (EDDIE SPITZ), KANSAS CITY, MO.

Mr. HALLEY. What is your full name?

Mr. OSADCHEY. Edward Philip Osadchey.

Mr. HALLEY. You are sometimes known as Eddie Spitz?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. Where do you live?

Mr. OSADCHEY. 432 East Sixty-fourth Terrace.

Mr. HALLEY. In Kansas City, Mo.?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. What is your present business?

Mr. OSADCHEY. I operate a ballroom at 1208 Wyandotte.

The CHAIRMAN. Speak up loud so they can all hear. I can't hear what you say. Pull that microphone closer, please.

Mr. HALLEY. What do you do?

Mr. OSADCHEY. Operate a ballroom at 1208 Wyandotte.

Mr. HALLEY. Were you ever arrested?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. Were you ever convicted?

Mr. OSADCHEY. Misdemeanor.

Mr. HALLEY. What was that?

Mr. OSADCHEY. Liquor.

Mr. HALLEY. Was that in 1932?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. That was a prohibition violation, is that right?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. Have you been arrested for liquor violation since? In 1939 and 1941?

Mr. OSADCHEY. I think we had some violations.

The CHAIRMAN. Speak up.

Mr. OSADCHEY. At the College Inn.

Mr. HALLEY. You had some violations at the College Inn. Have you been arrested for anything else?

Mr. OSADCHEY. No, sir.

Mr. HALLEY. General investigation?

Mr. OSADCHEY. I don't think so.

Mr. HALLEY. In 1939 and 1940 were you picked up for investigation?

Mr. OSADCHEY. I might have been picked up for investigation; yes, sir.

Mr. HALLEY. What is your present business?

Mr. OSADCHEY. I operate a ballroom at 1208 Wyandotte.

Mr. HALLEY. Do you have any other business?

Mr. OSADCHEY. Airway Auto Service.

Mr. HALLEY. Is that at the same address?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. Is that a garage and auto rental?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. What other business do you have?

Mr. OSADCHEY. That is all.

Mr. HALLEY. Nothing else. Were you ever a partner in the Ace Sales Co.?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. What was the nature of that company?

Mr. OSADCHEY. Buying and selling equipment.

Mr. HALLEY. Surplus equipment?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. Who were your partners in that company?

Mr. OSADCHEY. Morris Klein, Charles Binaggio, Ralph Spitzcaufsky, and myself.

Mr. HALLEY. Was Pat Noonan in that?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. Was that a profitable or an unprofitable business?

Mr. OSADCHEY. Unprofitable.

Mr. HALLEY. How long have you known Charlie Binaggio?

Mr. OSADCHEY. Some 15 or 20 years.

Mr. HALLEY. Under what circumstances did you first meet him?

Mr. OSADCHEY. I just met him.

Mr. HALLEY. Where did you meet him?

Mr. OSADCHEY. I don't recall.

Mr. HALLEY. Did you belong to his club at the time?

Mr. OSADCHEY. No, sir.

Mr. HALLEY. Did you join his club shortly afterward?

Mr. OSADCHEY. No, sir.

Mr. HALLEY. Have you ever belonged to his club?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. Have you belonged in the last few years?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. When did you join his club?

Mr. OSADCHEY. In 1945.

Mr. HALLEY. You have belonged ever since?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. In 1948 were you appointed to a patronage committee on his club consisting of you and Henry McKissick?

Mr. OSADCHEY. No, sir.

Mr. HALLEY. In 1948 did he ever tell you that you would be given the responsibility for patronage in the police department?

Mr. OSADCHEY. No, sir.

Mr. HALLEY. Or perhaps that happened in 1949.

Mr. OSADCHEY. No, sir.

Mr. HALLEY. Did you ever have a conversation with Charlie Binaglio about the police department of Kansas City?

Mr. OSADCHEY. We talked about it at times.

Mr. HALLEY. Did he ever tell you that you were to look after the patronage and see to it that the boys were given jobs?

Mr. OSADCHEY. No, I don't recall it just that way; no, sir.

Mr. HALLEY. Just how did it happen?

Mr. OSADCHEY. I don't know as it happened.

Mr. HALLEY. What kind of conversations did you have with Binaglio about the police department?

Mr. OSADCHEY. I don't recall any special conversations. I just heard him talk about it from time to time, that he would like to get some civilian employees on.

Mr. HALLEY. Who were these civilian employees that he talked about?

Mr. OSADCHEY. No one in particular.

Mr. HALLEY. Just any civilian employees? Were they boys who were members of your club?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. Did you do anything about trying to get them on?

Mr. OSADCHEY. No, sir.

Mr. HALLEY. Did you ever go to see any of the police commissioners?

Mr. OSADCHEY. No, I never made any particular—

Mr. HALLEY. Did you know any of the members of the police commission?

Mr. OSADCHEY. I know them all casually.

Mr. HALLEY. Were you ever in their offices?

Mr. OSADCHEY. No, I can't say that I was.

Mr. HALLEY. Did you ever go to talk to any of them about patronage, about jobs?

Mr. OSADCHEY. No, I can't recall that I have made any direct calls on them about that.

Mr. HALLEY. Did you ever talk to any of them about patronage or jobs, whether you made direct calls or not?

Mr. OSADCHEY. I might have. I don't recall making any calls on them.

Mr. HALLEY. When you say you might have, what do you mean?

Mr. OSADCHEY. I might have asked them—I might have asked Farrell at some time or other if he couldn't get someone on some jobs.

Mr. HALLEY. I can barely hear you.

Mr. OSADCHEY. I might have asked Farrell at some time or other if he would get some of them civilian jobs.

Mr. HALLEY. When might you have asked Farrell that?

Mr. OSADCHEY. I don't remember any particular time.

Mr. HALLEY. Can you fix a place in your mind where you talked to Farrell about it?

Mr. OSADCHEY. No, sir.

Mr. HALLEY. How long have you known Mr. Farrell?

Mr. OSADCHEY. Ten or twelve years, I guess.

Mr. HALLEY. Are you quite friendly with him?

Mr. OSADCHEY. Yes, I would say I was friendly with him.

Mr. HALLEY. Are you on friendly terms with any other members of the police commission as it existed in 1949?

Mr. OSADCHEY. I know him better than I do the rest of them.

Mr. HALLEY. You think you might have talked to Farrell about the police commission?

Mr. OSADCHEY. No, I don't.

Mr. HALLEY. But you might have talked to him about some civilian jobs?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. Did you know an ex-police captain named Braun?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. Was he a member of your club?

Mr. OSADCHEY. I don't know whether he was or not.

Mr. HALLEY. Did Charlie Binaggio want to get him appointed police commissioner?

Mr. OSADCHEY. I think so.

Mr. HALLEY. Did Charlie Binaggio ever speak to you about it?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. What did he say to you?

Mr. OSADCHEY. He asked me what kind of chief I thought he would make.

Mr. HALLEY. What did you say?

Mr. OSADCHEY. I said I thought he would make a good chief. He had a good record, I understood.

Mr. HALLEY. What were your reasons for thinking Braun would make a good chief?

Mr. OSADCHEY. He had a good police record.

Mr. HALLEY. Did you think he would favor an open town?

Mr. OSADCHEY. I never did talk to him about it.

Mr. HALLEY. Did you think he would go easy on your gambling establishments?

Mr. OSADCHEY. I never gave it a thought.

Mr. HALLEY. Why not?

Mr. OSADCHEY. I just didn't.

Mr. HALLEY. A tough police chief would have closed you up, wouldn't he?

Mr. OSADCHEY. I suppose so.

Mr. HALLEY. You wouldn't think a tough man who would close up your place would be a good chief, would you?

Mr. OSADCHEY. Well, I don't know. You asked me whether I thought he would make a good chief or not, a good police chief.

Mr. HALLEY. You must have thought he wouldn't close up your places.

Mr. OSADCHEY. No; I didn't think about it.

Mr. HALLEY. You got to know Charlie Binaggio pretty well, didn't you?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. How did that relationship develop? Can you just sort of let your hair down and tell the committee a little bit about how you got to know Charlie?

Mr. OSADCHEY. I just knew him over the years.

Mr. HALLEY. Did you work with him? Did you run errands for him? Did he consult you or value your opinion on things? What was the basis of the relationship?

Mr. OSADCHEY. No basis. We were just friends.

Mr. HALLEY. What did you have in common?

Mr. OSADCHEY. No more than any two people would have.

Mr. HALLEY. Were you very active politically in his club?

Mr. OSADCHEY. Not too active.

Mr. HALLEY. In fact, before 1945 you didn't even belong to the club, but you knew him in those years before 1945?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. What did you do to get it? Did you play cards together? Did you drink together? Did you like to take walks together? What was the basis of your friendship?

Mr. OSADCHEY. We drank together. We played cards together. We played golf together.

Mr. HALLEY. Where did you play golf together?

Mr. OSADCHEY. At Old Mission.

Mr. HALLEY. Was he a pretty good golfer?

Mr. OSADCHEY. Just fair.

Mr. HALLEY. Are you a good golfer?

Mr. OSADCHEY. Probably the world's worst.

Mr. HALLEY. You really went there just to be together and get the fresh air, is that right?

Mr. OSADCHEY. Just to play for the same reason anyone plays.

Mr. HALLEY. In the days before 1945 did you have any business interests together?

Mr. OSADCHEY. No, sir.

Mr. HALLEY. Did you see him? Would you go out to his club to see him in the evenings before you joined it?

Mr. OSADCHEY. No. I usually saw him in my place.

Mr. HALLEY. What was your place, the College Inn?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. Where is the College Inn located?

Mr. OSADCHEY. It was located at 127 West Twelfth Street.

Mr. HALLEY. 127 West Twelfth Street? How far is that from the Fifteenth Street Club?

Mr. OSADCHEY. A couple of miles.

Mr. HALLEY. Would he drive over to your place to see you?

Mr. OSADCHEY. Sometimes.

Mr. HALLEY. Did he like to hang out there?

Mr. OSADCHEY. He didn't hang out there too much.

Mr. HALLEY. What sort of place was the College Inn?

Mr. OSADCHEY. A theater restaurant.

Mr. HALLEY. A bar?

Mr. OSADCHEY. A bar, orchestra, food, dancing.

Mr. HALLEY. When did you first buy the College Inn?

Mr. OSADCHEY. 12 or 13 years ago.

Mr. HALLEY. Did you have any partners in that business or did you own it alone?

Mr. OSADCHEY. Jack Randazo.

Mr. HALLEY. Jack Randazo. Anybody else?

Mr. OSADCHEY. No.

Mr. HALLEY. What was your original investment in the College Inn, Mr. Osadchey.

Mr. OSADCHEY. I don't remember now. It wasn't too much.

Mr. HALLEY. Was it over \$5,000?

Mr. OSADCHEY. Yes, I think it was over that.

Mr. HALLEY. What had been your business before 1937?

Mr. OSADCHEY. I had been in the trucking business at one time.

Mr. HALLEY. Were you a principal in the business or did you work for somebody? Did you own the business?

Mr. OSADCHEY. I owned it.

Mr. HALLEY. What was the name of the trucking business?

Mr. OSADCHEY. There was no name. I just had two or three trucks.

Mr. HALLEY. You had two or three trucks.

Mr. OSADCHEY. Yes.

Mr. HALLEY. Did you ever have any partners?

Mr. OSADCHEY. No.

Mr. HALLEY. During what period did you own these trucks?

Mr. OSADCHEY. I don't recall, about 20 years ago or so.

Mr. HALLEY. Did those trucks have anything to do with any liquor traffic?

Mr. OSADCHEY. No, sir.

Mr. HALLEY. Were they ever used in the liquor business?

Mr. OSADCHEY. No, sir.

Mr. HALLEY. Did you know Charlie Binaggio before prohibition was repealed?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. Did you know Pat Noonan before prohibition was repealed?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. Were you familiar with the occasion on which they were both arrested and indicted with a great many other people for a liquor violation?

Mr. OSADCHEY. No; I don't.

Mr. HALLEY. Do you recall that?

Mr. OSADCHEY. I don't quite remember it. I have heard it here.

Mr. HALLEY. Did you know them at that time?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. Were you not aware of the fact at the time that they were under indictment?

Mr. OSADCHEY. No; I don't just recall now.

Mr. HALLEY. Did you get to know Binaggio in the good old bootlegging days? Is that the basis of your friendship?

Mr. OSADCHEY. Well, I knew him before prohibition was repealed.

Mr. HALLEY. In those days did you do a little bootlegging too?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. Is that where you got the cash to go into the trucking business and then to buy the College Inn?

Mr. OSADCHEY. I was in the trucking business first.

Mr. HALLEY. You were in the trucking business first, and then you used your trucks in the bootlegging business? Is that what happened?

Mr. OSADCHEY. No, sir.

Mr. HALLEY. No connection.

Mr. OSADCHEY. No, sir.

Mr. HALLEY. With whom were you in the bootlegging business?

Mr. OSADCHEY. By myself.

Mr. HALLEY. By yourself? You can't do it all alone. Whom did you buy from and whom did you sell to?

Mr. OSADCHEY. I sold to everybody that I knew.

Mr. HALLEY. Where did you get the stuff? Whom did you buy it from?

Mr. OSADCHEY. I don't recall now, it has been so long ago.

Mr. HALLEY. Did you ever have any deals with Charlie Binaggio in those days?

Mr. OSADCHEY. No, sir.

Mr. HALLEY. Did you ever have any deals with Pat Noonan?

Mr. OSADCHEY. No, sir.

Mr. HALLEY. You never had any liquor deals with either of them?

Mr. OSADCHEY. No, sir.

Mr. HALLEY. How long have you known Charlie Gargotta?

Mr. OSADCHEY. Maybe 10 years.

Mr. HALLEY. Ten years? And Lacoco?

Mr. OSADCHEY. I have known him around that time, I think.

Mr. HALLEY. You rented out the College Inn after a while to Rainey, did you not?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. And he called it the Show Bar, didn't he?

Mr. OSADCHEY. I rented it to Si Davis. That is the one I rented it to.

Mr. HALLEY. Did he rent it in turn to Rainey?

Mr. OSADCHEY. I don't know what kind of deal there was.

Mr. HALLEY. Rainey operated there, didn't he?

Mr. OSADCHEY. I don't know what kind of deal they had. I rented it to Si Davis.

Mr. HALLEY. They ran a gambling game there, didn't they?

Mr. OSADCHEY. No, sir; not to my knowledge.

Mr. HALLEY. Didn't they have a dice game there?

Mr. OSADCHEY. No, sir.

Mr. HALLEY. You think they just ran it as a tavern?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. When did you rent it out?

Mr. OSADCHEY. In 1948, I think it was.

Mr. HALLEY. That was after you had branched into various other businesses, is that right?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. One of the other businesses you branched into is this wire service, is that correct?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. Would you tell the committee the full story about that wire service? We have heard Mr. Klein and Mr. Lacoco, and they said you handled the whole deal, so will you go ahead and start at the beginning and tell the committee just what happened?

Mr. OSADCHEY. What is it you want to know?

Mr. HALLEY. Just how you got into it from the very beginning. Start when the thing was first born in your mind and tell the committee all about the transaction.

Mr. OSADCHEY. Well, I got the service from Trans-America through their agent, Pat Burns, and I went to Simon. Telephones were hard to get.

Mr. HALLEY. By Simon you mean Simon Partnoy?

Mr. OSADCHEY. Simon Partnoy. I talked to him about going in with me, and we made a deal and we went in business together.

Mr. HALLEY. There is a little more to it than that, isn't there?

Mr. OSADCHEY. I mean what part would you——

Mr. HALLEY. How did you first meet Pat Burns?

Mr. OSADCHEY. I met him in the College Inn.

Mr. HALLEY. He isn't a native or resident of Kansas City, is he?

Mr. OSADCHEY. No, sir.

Mr. HALLEY. He came from Chicago; is that correct?

Mr. OSADCHEY. I think so.

Mr. HALLEY. In fact, he was the president of this Trans-America News?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. He came down to see you here in Kansas City; is that correct?

Mr. OSADCHEY. No; he didn't come to see me. I met him while he was here.

Mr. HALLEY. Where did you meet him?

Mr. OSADCHEY. At the College Inn.

Mr. HALLEY. Did he just wander into the College Inn?

Mr. OSADCHEY. I suppose so.

Mr. HALLEY. It would be rather difficult for a man coming from Chicago just to wander into the College Inn, wouldn't it?

How many taverns are there in Kansas City, would you say, possibly a couple of hundred?

Mr. OSADCHEY. More than that.

Mr. HALLEY. You wouldn't think he just wandered into the College Inn, would you?

Mr. OSADCHEY. Well, he did.

Mr. HALLEY. He walked into it. Let's put it that way.

Mr. OSADCHEY. All right, sir.

Mr. HALLEY. Did he know who you were?

Mr. OSADCHEY. Yes; I had met him before.

Mr. HALLEY. Where had you met him before?

Mr. OSADCHEY. In the College Inn.

Mr. HALLEY. How long previously?

Mr. OSADCHEY. Oh, maybe a year or two before.

Mr. HALLEY. What was the occasion when you first met Patrick J. Burns? Place it in point of time.

Mr. OSADCHEY. What was the occasion?

Mr. HALLEY. Yes; when did you first meet Burns?

Mr. OSADCHEY. Well, I think it was in August of 1946.

Mr. HALLEY. In your College Inn?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. Did he walk into the tavern?

Mr. OSADCHEY. Yes, sir; 8:15.

Mr. HALLEY. Was he alone?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. Where were you when he walked in? Were you behind the bar?

Mr. OSADCHEY. No, sir.

Mr. HALLEY. Where were you?

Mr. OSADCHEY. Well, he was sitting at the table when I first seen him.

Mr. HALLEY. And did he know who you were at that time?

Mr. OSADCHEY. Yes, I had met him before.

Mr. HALLEY. You had met him before August of 1946?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. When did you first meet him?

Mr. OSADCHEY. It might have been a couple of years before that.

Mr. HALLEY. Well, when and where?

Mr. OSADCHEY. In the College Inn.

Mr. HALLEY. Prior to 1946?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. What year did you first see Patrick J. Burns?

Mr. OSADCHEY. I don't remember just exactly when I met him. It was somewhere between a year and 2 years.

Mr. HALLEY. Would you say 1945 or 1944?

Mr. OSADCHEY. Oh, probably around 1942, I think.

Mr. HALLEY. 1942?

Mr. OSADCHEY. Yes.

Mr. HALLEY. And what was he doing then; what was his business in 1942?

Mr. OSADCHEY. I don't recall what he was doing in 1942.

Mr. HALLEY. What were you doing in 1942? What was your business?

Mr. OSADCHEY. College Inn.

Mr. HALLEY. No other business?

Mr. OSADCHEY. At that time, no, sir.

Mr. HALLEY. Any crap games anywhere?

Mr. OSADCHEY. No, sir.

Mr. HALLEY. Any horse book?

Mr. OSADCHEY. No, sir.

Mr. HALLEY. Are you sure?

Mr. OSADCHEY. I am positive.

Mr. HALLEY. And at that time where did Patrick J. Burns live, in Kansas City?

Mr. OSADCHEY. No, sir, he was just going through.

Mr. HALLEY. He lived in Chicago?

Mr. OSADCHEY. Uh-huh.

Mr. HALLEY. And now on the very first occasion when you met him, did somebody introduce you to him?

Mr. OSADCHEY. No, sir.

Mr. HALLEY. He came into your tavern?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. And you met him in your tavern?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. And did he have an introduction to you? Did he know who you were?

Mr. OSADCHEY. No, sir.

Mr. HALLEY. Is it your point that it was a casual meeting?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. He just wandered into your tavern, got to talking to you?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. Back in 1942?

Mr. OSADCHEY. Uh-huh.

Mr. HALLEY. What was his business in the area?

Mr. OSADCHEY. I don't know. I don't remember what his business was.

Mr. HALLEY. Between 1942 and 1946, how often did you see him?

Mr. OSADCHEY. I hadn't seen him again until 1946.

Mr. HALLEY. You met him once in 1942 when he just walked into the tavern, and then you didn't see him until 1946?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. Had you been in communication in any way? Did you write letters to each other?

Mr. OSADCHEY. No, sir.

Mr. HALLEY. Did you talk on the phone?

Mr. OSADCHEY. No, sir.

Mr. HALLEY. How long was he in your tavern in 1942?

Mr. OSADCHEY. Just that evening.

Mr. HALLEY. Was he alone?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. He wandered into your tavern in 1942 and had a drink at that point?

Mr. OSADCHEY. He had a few drinks.

Mr. HALLEY. Did he eat dinner?

Mr. OSADCHEY. I don't recall whether he ate dinner now or not.

Mr. HALLEY. Did you talk to him?

Mr. OSADCHEY. Yes; I talked to him.

Mr. HALLEY. And become friendly?

Mr. OSADCHEY. No, not too friendly, just one night. In fact, I had even forgot that I had met him.

Mr. HALLEY. Then 4 years later he wandered back into your tavern?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. And at that time did he know your name?

Mr. OSADCHEY. No, sir.

Mr. HALLEY. What did he say to you in 1946 when he came back into your tavern?

Mr. OSADCHEY. Just "Hello, how are you," passed the time of day and talked about the last time he was here. I meet thousands of people that way.

Mr. HALLEY. But this was a very particular person who was president of the Trans-American News Co. When did he first bring up the subject of business?

Mr. OSADCHEY. I asked him what he was doing here, and he told me what he was doing, told me he was looking to open up an office there to get someone to take over the franchise for the news service. Then I talked to him more about it, and then I tried to make a deal with him.

Mr. HALLEY. Well, did you tell him who your associates were, who your friends were?

Mr. OSADCHEY. I didn't at the time.

Mr. HALLEY. Did you read the newspapers in 1946?

Mr. OSADCHEY. Yes; I guess I have read them in 1946.

Mr. HALLEY. Were you aware of the fact that there was a lot of gang warfare going on revolving around the news services?

Mr. OSADCHEY. I was not aware of it.

Mr. HALLEY. You were aware of the fact that a man named Ragen was killed in Chicago because he refused to sell out Continental to Trans-American?

Mr. OSADCHEY. I was not aware of it at the time.

Mr. HALLEY. Were you aware of the stories in the Kansas City and St. Louis papers, saying that they were expecting trouble over the competition between the two news services?

Mr. OSADCHEY. I was not at the time. I didn't even read it.

Mr. HALLEY. What did Burns tell you about the thing? Did he say that there was going to be some problem of competing with this other news service?

Mr. OSADCHEY. Oh, he explained it to me; yes.

Mr. HALLEY. And did you think you were qualified to cope with any trouble that might come up?

Mr. OSADCHEY. Well, I didn't think there would be any trouble.

Mr. HALLEY. What did you do? Did you say, "I have two tough guys named Gargotta and Lacoco, a tough friend named Klein, and we can handle this situation"?

Mr. OSADCHEY. No. I didn't anticipate any trouble.

Mr. HALLEY. Why didn't you anticipate trouble?

Mr. OSADCHEY. I didn't see why I should have any trouble, just a business like any other business. It is competitive.

Mr. HALLEY. Did you ever hear of a man named Burk?

Mr. OSADCHEY. No, sir.

Mr. HALLEY. Did Mr. Partnoy ever tell you about Mr. Burk of the Continental, the representative that came down here and serviced his account?

Mr. OSADCHEY. No, sir.

Mr. HALLEY. Didn't you ever hear that Burk was beaten up on one of the streets in Kansas City?

Mr. OSADCHEY. I heard it the other day.

Mr. HALLEY. Didn't you ever read about it in the newspaper?

Mr. OSADCHEY. No, sir.

Mr. HALLEY. And did you hear the testimony of the attorney who took the stand here the other day?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. He said that an automobile drove up next to his car, he was threatened by men with guns?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. And did you ever meet Mr. Konomos?

Mr. OSADCHEY. Yes, sir; I know him.

Mr. HALLEY. How long have you known him?

Mr. OSADCHEY. Casually. Oh, I have known him a few years, casually.

Mr. HALLEY. When did you first meet him?

Mr. OSADCHEY. I don't remember, maybe several years ago.

Mr. HALLEY. Did he ever talk to you about this wire-service matter?

Mr. OSADCHEY. No, sir.

Mr. HALLEY. What happened when you talked with Mr. Burns? What kind of deal did you make?

Mr. OSADCHEY. I made a deal for the service to pay a thousand dollars a week.

Mr. HALLEY. Where were you planning to get a thousand dollars a week?

Mr. OSADCHEY. Beg pardon?

Mr. HALLEY. You had no such assets yourself, did you?

Mr. OSADCHEY. I was planning to get it out of the business.

Mr. HALLEY. How were you going to get it out of the business? How were you planning to set up in the wire-service distribution business? What were your plans?

The CHAIRMAN. In other words, Mr. Spitz, at that time Mr. Partnoy had all of the customers, all of the bookies on the Continental. You take over the Trans-America and offer to agree to pay a thousand dollars a week, but you have no customers, and you took on the service without any customers, without any. How did you know you were going to be able to get customers to pay you enough so that you could pay \$1,000 a week to the wire service?

Mr. OSADCHEY. Well, we was just taking a chance of getting the customers. There apparently was plenty of business.

Mr. HALLEY. You know very well that the people who handle Trans-America were not taking any chances on that sort of thing. They were a pretty hard-bitten bunch, weren't they?

Mr. OSADCHEY. I don't know.

Mr. HALLEY. Well, you know Pat Burns, he was no sissy, was he?

Mr. OSADCHEY. He didn't seem hard-bitten to me.

Mr. HALLEY. He was here to sell wire service for the Trans-America, and you had to assure him that you could get some customers. How did you assure him that you could get some customers?

Mr. OSADCHEY. I just assured him that I could get some customers.

Mr. HALLEY. You could not show him that you had any bank account that would guarantee him a thousand dollars a week if you didn't get the customers.

Mr. OSADCHEY. Well, we put up a deposit.

Mr. HALLEY. How much?

Mr. OSADCHEY. \$5,000.

Mr. HALLEY. And you got that back, though, didn't you?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. And \$5,000 would last 5 weeks. What did you do about trying to get some customers? What was to be your procedure?

Mr. OSADCHEY. Well; here is what happened there. I didn't personally, I didn't know anything about the gambling business, so I naturally went to some people that did know. I talked to Morris Klein, asked if he would be interested, and I talked to my other partners, and they said they would.

Mr. HALLEY. Why did you pick Gargotta and Lacoco?

Mr. OSADCHEY. Well; I picked them because I figured they would know the people that bought the service. Naturally, I would go to people who knew the customers.

Mr. HALLEY. Did you think that Gargotta and Lacoco would know all of the bookies in town?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. But you never did approach the bookies, did you?

Mr. OSADCHEY. No, sir.

Mr. HALLEY. You went to Partnoy instead?

Mr. OSADCHEY. Well, after I had—after I made a deal with them, I started to get, I started to make the connections for the telephones, the telephones were hard to get at that time, that is what prompted me to go talk to Simon Partnoy, I went and talked to him and made him a proposition.

Mr. HALLEY. What proposition did you make him?

Mr. OSADCHEY. I asked him how much he was making. First I asked him would he be interested in going in with me. I says "Maybe we can make a deal here where you can make more money." He says, "Well, I might be interested, let us talk about it." So I asked him how much he was making at the time. He was making \$125 a week. I offered him \$200 a week, plus 15 percent of the net earnings, plus \$7,500 for his equipment and good will.

Mr. HALLEY. He owned that wire service completely. It was his; is that right?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. And you were giving him a proposition whereby he would have the same wire service with four partners.

Mr. OSADCHEY. That was a different service.

Mr. HALLEY. Will you explain the mathematics of it? I don't quite understand it. I am trying to understand how he could make more with four partners on the Trans-America service than he could make alone on the Continental.

Mr. OSADCHEY. How he could make more?

Mr. HALLEY. Yes.

Mr. OSADCHEY. Well, I don't know. He did make more.

Mr. HALLEY. That is what you say, but I would like to understand how that is possible.

Mr. OSADCHEY. Well, I don't quite understand you.

Mr. HALLEY. You gave him \$7,500.

Mr. OSADCHEY. Yes.

Mr. HALLEY. Is that right?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. He got that out of the profits. You didn't put that money up; is that correct?

Mr. OSADCHEY. We put part of it up.

Mr. HALLEY. How much did you put up?

Mr. OSADCHEY. I think we gave him \$2,500 at first.

Mr. HALLEY. And the rest came out of the earnings as they came in; is that right?

Mr. OSADCHEY. Well, it come out of the earnings, it come out of our pocket, so long as he got paid.

Mr. HALLEY. The total investment was \$5,000?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. You just testified that went into a deposit that you had to give Trans-America.

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. What did you use to pay Partnoy?

Mr. OSADCHEY. We used money.

Mr. HALLEY. \$5,000 was your investment. You used that for your deposit?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. Was the investment more than \$5,000?

Mr. OSADCHEY. No, sir.

Mr. HALLEY. Well, then, the \$5,000 was used up on the deposit. You could not have made any investment to have paid Partnoy.

Mr. OSADCHEY. That is right.

Mr. HALLEY. He must have been paid by the money that came out of the business, as it came out; is that right?

Mr. OSADCHEY. I guess so; yes, sir.

Mr. HALLEY. Then you just took over all of his customers, you moved right into the place, used his telephones, his wires, and began servicing his customers; is that correct?

Mr. OSADCHEY. That is right, sir.

Mr. HALLEY. But you took the service from Trans-America.

Mr. OSADCHEY. Right.

Mr. HALLEY. And about that time Ragen was killed in Chicago, is that correct?

Mr. OSADCHEY. I don't remember whether it was before or after.

Mr. HALLEY. Some place in that interval, though, and then Trans-America was out of business, is that right?

Mr. OSADCHEY. About a year later they did go out of business, about 10 months later.

Mr. HALLEY. Right after the Ragen murder, didn't they?

Mr. OSADCHEY. I don't remember when the murder was or anything.

Mr. HALLEY. Then you were able to go to Continental and get a franchise, is that correct, for the Kansas City area, after Trans-America went out of business?

Mr. OSADCHEY. I went to Midwest.

Mr. HALLEY. Or Midwest News Service was the Continental distributor for the area, is that right?

Mr. OSADCHEY. Well, I guess they were.

Mr. HALLEY. There is no question about that.

The CHAIRMAN. In this Midwest thing you dealt with some man in Chicago in the Continental office to get Midwest Illinois News Service, didn't you?

Mr. OSADCHEY. Yes, sir.

The CHAIRMAN. So it was all part of the Continental outfit.

Mr. OSADCHEY. I presume it was. I believe there was just one service then.

The CHAIRMAN. So the thing was that you went in with Trans-America to take over Continental's business here, then after Trans-America merged with Continental, then you got back the Continental franchise, is that the way it was?

Mr. OSADCHEY. Well, I got the service from the Midwest.

The CHAIRMAN. Well, that was Continental's tie-up. You know that though.

Mr. OSADCHEY. Well, I didn't at the time. I know later there was only one.

The CHAIRMAN. It was Mr. Farrell you dealt with?

Mr. OSADCHEY. Yes, sir.

The CHAIRMAN. He was the Continental man and he was the Midwest Illinois man, was he not?

Mr. OSADCHEY. He was the Midwest Illinois man.

The CHAIRMAN. He was also the Continental man?

Mr. OSADCHEY. I don't know.

The CHAIRMAN. As you found out later, anyway.

Mr. OSADCHEY. I don't know that.

Mr. HALLEY. Well, you could not have been in the wire business without knowing that when Trans-America went out of business, you had to get your wire service from Continental. You had to know that, didn't you?

Mr. OSADCHEY. Well, I got it from Midwest.

Mr. HALLEY. You were not operating in a vacuum. You knew what was going on, didn't you? You were paying \$1,000 a week for wire service. You had to know what was going on.

Mr. OSADCHEY. I got the service from Midwest.

Mr. HALLEY. All right. Then that was after Trans-America went out of business. When Trans-America went out of business, did somebody come to you and say, "We are going out of business, you will have to get your service somewhere else?"

Mr. OSADCHEY. No, we got—it come over the Trans-American wire.

Mr. HALLEY. What came over the wire?

Mr. OSADCHEY. As on so-and-so date, Trans-American is terminating their business.

Mr. HALLEY. Did you have any suggestions as to where you could go to get the wire service?

Mr. OSADCHEY. That is all it said.

Mr. HALLEY. What did you do at that point to try to find out where you could get wire service?

Mr. OSADCHEY. I asked Simon what do we do now, and he told me to get a hold of this fellow, Silvester Farrell, which I did.

Mr. HALLEY. You went to Chicago to see Farrell?

Mr. OSADCHEY. Yes, sir. I first called on the telephone, I think.

Mr. HALLEY. Did they say they were willing to deal with you?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. They bore you no ill will for having moved in and taken their service away from them a year previously?

Mr. OSADCHEY. No, sir.

Mr. HALLEY. They didn't mind that at all?

Mr. OSADCHEY. Apparently not.

Mr. HALLEY. Do you know Ralph O'Hara? Did you ever meet him, with Trans-American Service?

Mr. OSADCHEY. No, sir.

Mr. HALLEY. Did you know Ed Lenz in the Midwest?

Mr. OSADCHEY. No, sir.

Mr. HALLEY. Have you ever met Tom Kelly?

Mr. OSADCHEY. No, sir.

Mr. HALLEY. Have you ever met Hymie Levin?

Mr. OSADCHEY. No, sir.

Mr. HALLEY. Did you ever hear of R. & H. Publishing Co.?

Mr. OSADCHEY. No, sir.

Mr. HALLEY. Or the General News Service?

Mr. OSADCHEY. General News Service, yes.

Mr. HALLEY. What is the General News Service?

Mr. OSADCHEY. We used to get service from them.

Mr. HALLEY. When did you get service from the General News?

Mr. OSADCHEY. I don't remember the exact dates, but we used to get service from them.

Mr. HALLEY. Doesn't it look this way, as though this Trans-America group came down to Kansas City and for some reason or other Pat Burns decided to let you have the service of Trans-America, is that right?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. You and Lacoco and Gargotta and Klein just walked in on Partnoy and took his business, isn't that right?

Mr. OSADCHEY. No, sir.

Mr. HALLEY. What is right?

Mr. OSADCHEY. I explained to you I made a deal with the man.

Mr. HALLEY. But that was the Continental Service you were taking, you were taking their phones and their wires. You just walked in and took them.

Mr. OSADCHEY. It was Partnoy's business.

Mr. HALLEY. Who owned it, Partnoy or Continental?

Mr. OSADCHEY. Partnoy.

Mr. HALLEY. If he owned that business, is it a fact that he would be making only \$125 a week on a wire service?

Mr. OSADCHEY. That is what he told me.

Mr. HALLEY. Doesn't that sound ridiculous on its face?

Mr. OSADCHEY. I don't know how it sounds, but regardless that is what he told me.

Mr. HALLEY. What did you make a week after you took it over?

Mr. OSADCHEY. It varied.

Mr. HALLEY. It was more like \$500 a week, wasn't it, after paying all expenses?

Mr. OSADCHEY. Yes, sir; at times.

Mr. HALLEY. Even after paying Partnoy his salary and his cut, is that right?

Mr. OSADCHEY. At times.

Mr. HALLEY. It averaged that year in and year out. Don't the records show that?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. You made an investment, a total investment of \$5,000, is that right?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. There has been testimony here that you got that investment back within a matter of 4 or 5 weeks, isn't that right?

Mr. OSADCHEY. I don't remember how long it was.

Mr. HALLEY. Did it take very long?

Mr. OSADCHEY. It took a little longer than that, I think.

Mr. HALLEY. How long do you think it took?

Mr. OSADCHEY. I don't remember, but it took longer than that.

Mr. HALLEY. You said here in 1 year, 1946, you had a gross of around \$60,000. Is that correct?

Mr. OSADCHEY. I don't think it ever grossed that much.

Mr. WHITE. What did you have that Partnoy didn't have, Mr. Spitz?

Mr. OSADCHEY. I don't understand what you mean.

Mr. WHITE. He made only \$125 a week. You made \$500 a week. What did you have that he didn't have?

Mr. OSADCHEY. I don't know what you mean, what did I have that he didn't have.

Mr. WHITE. Partnoy apparently could operate the service and make only \$100 a week. You could operate the service and make \$600 a week. What did you have that was better than Partnoy had in the way of operating?

Mr. OSADCHEY. Maybe he had a bad deal.

The CHAIRMAN. As a matter of fact, Mr. Spitz, you went up to Oklahoma to get people to take your service over there, didn't you?

Mr. OSADCHEY. Yes, sir.

The CHAIRMAN. You went up to Omaha and got some people to take your service up there?

Mr. OSADCHEY. Yes, sir.

The CHAIRMAN. That is where you got in touch with this Mr. Hutter from whom you and Spitz later got a half interest in the Stork Club for nothing from. You met Mr. Hutter and he took your service.

Mr. OSADCHEY. Yes, sir.

The CHAIRMAN. He is the same man you dealt with in connection with the Stork Club?

Mr. OSADCHEY. Yes, sir.

The CHAIRMAN. You tried to persuade these people to take your service all right, didn't you?

Mr. OSADCHEY. Sure. That is what we were doing, selling service.

The CHAIRMAN. Did you have Klein around persuading them, too?

Mr. OSADCHEY. No, sir.

The CHAIRMAN. He didn't do any persuading?

Mr. OSADCHEY. I was the only one who went.

The CHAIRMAN. What was the advantage of your service over the other service? You got Hutter to change his service. He had Continental and you got him to take on the Trans-America. What advantage did your service have over the Continental service?

Mr. OSADCHEY. We claimed we gave better service.

The CHAIRMAN. As a matter of fact, the Trans-America was a Capone outfit, and Capone was muscling in, and you people were muscling in on Continental, weren't you? It was part of the same game, wasn't it?

Mr. OSADCHEY. I don't know what you call muscling. It was a competitive business.

The CHAIRMAN. Wherever Continental had a service in, you were supposed to go to Omaha and Oklahoma, and whatever method was necessary to get them to take your service, instead of Continental, that is what you were supposed to do, to get service, competitor's service wherever you could.

Mr. OSADCHEY. We were selling our service. That was our business.

The CHAIRMAN. Of course, Continental had been in business a long, long time before Trans-America started.

Mr. OSADCHEY. I didn't know anything about that. I didn't know anything about the service before I started. I didn't know who had been in business and why or how long.

The CHAIRMAN. Did you do this selling yourself?

Mr. OSADCHEY. Yes, sir.

The CHAIRMAN. Did you take Klein around with you?

Mr. OSADCHEY. No, sir.

The CHAIRMAN. Gargotta?

Mr. OSADCHEY. No, sir.

The CHAIRMAN. All right, Mr. Halley.

Mr. HALLEY. You have heard about the great many unsolved murders in Kansas City; haven't you?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. And the bombings? You have heard about them; haven't you? They appeared from time to time in the newspaper. Isn't that right?

Mr. OSADCHEY. Yes; I have read them like everybody else.

Mr. HALLEY. Were you familiar with the general reputation in this community of Gargotta and Lacoco for being hoodlums, strong-arm men? That was their reputation; wasn't it?

Mr. OSADCHEY. Well, I don't know that it was.

Mr. HALLEY. Didn't everybody in Kansas City know that Gargotta was involved in a shooting with Sheriff Bash, had been arrested many, many times. He was just known to be a gunman and a thug. Was there any doubt about that?

Mr. OSADCHEY. No; I don't think there was any doubt about that.

Mr. HALLEY. That was his reputation. You knew it; didn't you? You have just said there was no doubt about it.

Mr. OSADCHEY. I knew there had been trouble out there; yes. I knew he had that trouble.

Mr. HALLEY. That he was known to be a gunman. Didn't everybody know that?

Mr. OSADCHEY. I suppose so.

Mr. HALLEY. He was a tough customer. Didn't Lacoco have the same reputation?

Mr. OSADCHEY. No; I don't think Lacoco had that reputation.

Mr. HALLEY. They both came from the tough North Side area where the police were constantly having trouble with hoodlums; didn't they?

Mr. OSADCHEY. They both came from the North Side.

Mr. HALLEY. Why did you ask those two men to join you in this wire service, if not to get some strong-arm men to help you sell it? What else could they possibly have provided?

Mr. OSADCHEY. They could help me get customers. That is why I went to them. That is what I told you.

Mr. HALLEY. How do you get customers for a wire service? By persuasion?

Mr. OSADCHEY. I suppose you could get it through friendship.

Mr. HALLEY. Did you have the 1711 Club at Ninth and Woodland?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. When did you go into that business?

Mr. OSADCHEY. In 1949.

Mr. HALLEY. Were you in there with Lacoco, Gargotta, and Nigro?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. What was that business—dice games?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. Did you have a horse book there, too?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. You had another place at Thirty-first and Woodland?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. What was that?

Mr. OSADCHEY. The same thing.

Mr. HALLEY. When did you go into that?

Mr. OSADCHEY. That was in 1950.

Mr. HALLEY. What part of 1950?

Mr. OSADCHEY. Early.

Mr. HALLEY. Who were your partners there?

Mr. OSADCHEY. Tano Lacoco, McElroy, Tim Moran, and myself, and Walt Rainey.

Mr. HALLEY. Did you have a piece of the Kay Hotel?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. What kind of operation did you have there?

Mr. OSADCHEY. It was the same thing.

Mr. HALLEY. What do you mean by the same thing?

Mr. OSADCHEY. A crap game.

Mr. HALLEY. And a horse book?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. Were you in the Green Hills?

Mr. OSADCHEY. No, sir.

Mr. HALLEY. No part of that at all?

Mr. OSADCHEY. No, sir.

Mr. HALLEY. Were you in the Last Chance?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. When did you go into that?

Mr. OSADCHEY. The first time in 1947, in October 1947.

Mr. HALLEY. Were you here when Mr. Goulding testified this evening?

Mr. OSADCHEY. I was here part of the time. I was out in the hall.

Mr. HALLEY. When you went into the Last Chance, with whom did you negotiate for your participation?

Mr. OSADCHEY. Morris Klein.

Mr. HALLEY. And who else? Did you talk to McElroy?

Mr. OSADCHEY. No.

Mr. HALLEY. Who talked to McElroy?

Mr. OSADCHEY. I think Morris Klein talked to him.

Mr. HALLEY. Did he sell him or persuade him, or what was the basis of your participation?

Mr. OSADCHEY. Morris Klein asked me if I wanted a piece of it.

Mr. HALLEY. Did he say how he was going to be able to get a piece of it?

Mr. OSADCHEY. Yes. He said him and McElroy had already gone down and talked to John Goulding. They had made arrangements to open up.

Mr. HALLEY. Did you go with Klein and McElroy to see Goulding?

Mr. OSADCHEY. No, sir.

Mr. HALLEY. Weren't you present when they went to see Goulding?

Mr. OSADCHEY. No, sir.

Mr. HALLEY. Did you ever hear that Goulding had objected to having a big game there?

Mr. OSADCHEY. No, sir.

Mr. HALLEY. Didn't anybody ever tell you that Goulding was told that they simply had to take you and Klein in to avoid trouble?

Mr. OSADCHEY. No; that isn't true.

Mr. HALLEY. You say that isn't true?

Mr. OSADCHEY. No, sir.

Mr. HALLEY. You have never given anybody any trouble at all?

Mr. OSADCHEY. Me?

Mr. HALLEY. Yes.

Mr. OSADCHEY. I should say not.

Mr. HALLEY. How about Klein, Gargotta, and Lacoco?

Mr. OSADCHEY. Not to my knowledge.

Mr. HALLEY. Did they give anybody any trouble at the Stork Club?

Mr. OSADCHEY. No, sir.

Mr. HALLEY. Out in Council Bluffs?

Mr. OSADCHEY. No, sir.

Mr. HALLEY. Isn't that the place that was bombed before you took it over?

Mr. OSADCHEY. Yes, but I think they had had some change in partners there a time or two after that bombing before Klein and I went up there.

Mr. HALLEY. There were several quick changes, and then you and Klein got into it; is that right?

Mr. OSADCHEY. I don't know how many changes there were.

Mr. HALLEY. Did you hear that some of the owners were taken out and threatened at gunpoint with death if they were unwilling to sell?

Mr. OSADCHEY. I didn't hear it until I think the last meeting.

Mr. HALLEY. You mean the last time you testified before this committee?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. Did you hear that the Stork Club was robbed in the summer of 1947?

Mr. OSADCHEY. No; I didn't hear that, either.

Mr. HALLEY. You never heard that it was held up and \$78,000 was taken away from them?

Mr. OSADCHEY. No, sir.

Mr. HALLEY. I think Klein testified that the owners of the Stork Club were losing money. Is that your understanding?

Mr. OSADCHEY. That was my understanding when we went up there, and I think possibly the records might show that. It may be a matter of record.

Mr. HALLEY. And you and Klein thought you could make it a profitable business?

Mr. OSADCHEY. Yes. Originally, I was going up there and run the night club, and manage it, and he was going to manage the casino.

Mr. HALLEY. Actually, you never did go up there and stay there; did you?

Mr. OSADCHEY. We didn't after we made another deal.

Mr. HALLEY. And somebody else ran it; is that right?

Mr. OSADCHEY. Yes, sir. However, Morris Klein did go up and he did spend some time up there, and set the policies for the casino.

Mr. HALLEY. After you took the Stork Club over, was there any more trouble or any more bombing?

Mr. OSADCHEY. Well, I don't know about any more. We didn't have any.

Mr. HALLEY. You had no trouble?

Mr. OSADCHEY. And I don't—what happened in the past, I don't know anything about that.

Mr. HALLEY. Nobody bombed it while you had it?

Mr. OSADCHEY. No, sir.

Mr. HALLEY. Nobody tried to take you for a ride to get you to sell it?

Mr. OSADCHEY. No, sir.

Mr. HALLEY. You did not pay anything for your participation in the Stork Club; did you?

Mr. OSADCHEY. No, sir, we made—I think I explained that to you before.

Mr. HALLEY. You tried, but you didn't succeed. Would you like to try again?

Mr. OSADCHEY. No. If I did not succeed the first time. I don't see how I am going to do it now.

Mr. HALLEY. You got a free ride; isn't that right?

Mr. OSADCHEY. That is right, sir.

Mr. HALLEY. And your story was that you were supposed to buy the club for \$20,000; is that right?

Mr. OSADCHEY. We did buy it for \$20,000.

Mr. HALLEY. You never paid any \$20,000. You didn't pay anything; is that right?

Mr. OSADCHEY. That is right, sir.

Mr. HALLEY. And Hutter was making the deal; is that right?

Mr. OSADCHEY. That is right, sir.

Mr. HALLEY. And then he came to you and he said he had some other people who would pay the \$20,000 if you would give them a half interest; is that right?

Mr. OSADCHEY. Right.

Mr. HALLEY. And so you paid nothing at all, and you got a half interest in the Stork Club in Council Bluffs; is that right?

Mr. OSADCHEY. That is right.

Mr. HALLEY. You and Klein, and you still own a deed to the property?

Mr. OSADCHEY. No, sir.

Mr. HALLEY. Who owns the property now?

Mr. OSADCHEY. Barnes.

Mr. HALLEY. Who is Mr. Barnes?

Mr. OSADCHEY. Fred Barnes.

Mr. HALLEY. Did you sell out to Barnes?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. When did you sell out?

Mr. OSADCHEY. Oh, about a month ago.

Mr. HALLEY. When did you close the Stork Club operation? What did you sell for?

Mr. OSADCHEY. \$7,500.

Mr. HALLEY. And how much of it did you get personally? Is that what you received for your share?

Mr. OSADCHEY. No; I give Charles Hutter \$2,200.

Mr. HALLEY. He got \$2,200?

Mr. OSADCHEY. Yes.

Mr. HALLEY. And you got \$5,300 personally?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. Did Klein get anything?

Mr. OSADCHEY. No, sir.

Mr. HALLEY. Had he sold out previously?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. What did you pay Klein for his share?

Mr. OSADCHEY. I haven't given him anything yet.

Mr. HALLEY. Do you owe him half of your \$5,300?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. So that you will each get something like \$2,600; is that right?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. That is for the bar building and grounds; is that correct?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. I think you testified that, without the gambling and night club, the premises weren't worth very much. Is that correct?

Mr. OSADCHEY. That is right, sir.

Mr. HALLEY. While you ran that, you had the gambling there and you had a night club.

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. Dice game, is that correct?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. And you had a horse book?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. How much money did you make on the Stork Club deal, what were your profits?

Mr. OSADCHEY. I don't know.

Mr. HALLEY. You ran a couple of years, did you not, about 2 years?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. And I think you testified that you made from 20 to 25 thousand over the entire period each, that would be a total of about 40 to 50 thousand dollars for you and Klein together in 2 years.

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. Is that correct?

Mr. OSADCHEY. Yes, sir; somewhere around in there.

Mr. HALLEY. And then you finally sold out and you now each are getting about \$2,600 as a final dividend, is that correct?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. And you made no investment at all, is that right?

Mr. OSADCHEY. Well, if you look at it that way, actually we didn't make no investment, that is right.

Mr. HALLEY. You spent no time in the management of it, no substantial time, would that be right?

Mr. OSADCHEY. Well, Morris Klein spent more time than I did there.

The CHAIRMAN. How many times did you go up there and see about that?

Mr. OSADCHEY. Well, just a few times. I don't remember, it wasn't many times.

The CHAIRMAN. Maybe a day at a time or two or three times?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. You closed; when did you close the Stork Club operation?

Mr. OSADCHEY. I don't remember the date.

Mr. HALLEY. Was it around the time that Binaggio was killed?

Mr. OSADCHEY. I think it was before that.

Mr. HALLEY. A little before then?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. When did you close the State Line operation?

Mr. OSADCHEY. Well, it opened and closed at different times the first time.

Mr. HALLEY. You finally closed it the day after Binaggio was killed?

Mr. OSADCHEY. The last time; yes, sir.

Mr. HALLEY. When did you close the wire service?

Mr. OSADCHEY. I closed it the day, the day before I went to Washington.

Mr. HALLEY. When did you go to Washington?

Mr. OSADCHEY. I don't remember the date.

Mr. HALLEY. You mean to testify before the Senate Interstate Commerce Committee?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. When did you close the 7-11 Club?

Mr. OSADCHEY. I don't remember the date it was closed.

Mr. HALLEY. How long after Binaggio's death did you close all of these places?

Mr. OSADCHEY. That place was closed some 3 or 4 months before.

Mr. HALLEY. And the Thirty-first and Woodland?

Mr. OSADCHEY. Well, it only stayed open a week, I think.

Mr. HALLEY. It opened when?

Mr. OSADCHEY. I don't remember the dates, but it opened and closed, and opened and closed a couple of times within a week's time.

Mr. HALLEY. Why did it close? Was it raided?

Mr. OSADCHEY. It was raided; yes, sir.

Mr. HALLEY. And you finally decided that it didn't pay to keep it open?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. When did you close the Kay Hotel game?

Mr. OSADCHEY. In around about 6 weeks.

Mr. HALLEY. When did you open it?

Mr. OSADCHEY. In 1948, March, maybe, March of 1948.

Mr. HALLEY. When did you close it?

Mr. OSADCHEY. Probably early in May.

Mr. HALLEY. Of 1948?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. I think you have stated that Charlie Binaggio obtained an interest in the Last Chance State Line place.

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. Did he take over Klein's interest?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. And how long was Binaggio in the State Line operation?

Mr. OSADCHEY. How long?

Mr. HALLEY. Yes.

Mr. OSADCHEY. Well, just a month or two.

Mr. HALLEY. I believe you testified that he took out of his share something like \$4,000 in 2 months, is that correct?

Mr. OSADCHEY. Well, I don't remember.

Mr. HALLEY. That is your testimony the last time you appeared before this committee.

Mr. OSADCHEY. Well, maybe it seemed to be like that at that time.

Mr. HALLEY. There was quite a point made of it. You seemed quite definite about it then.

Mr. OSADCHEY. Well, I would not be definite about any figures.

Mr. HALLEY. You were very definite then.

Mr. OSADCHEY. I don't remember. Maybe it was fresh in my memory at that time, if I thought that was right.

Mr. HALLEY. Well, if you so said under oath 2 months ago before this committee, would that be right, that Binaggio drew out of the State Line game \$4,000 in a period of 2 months?

Mr. OSADCHEY. Oh. Oh, yes; sure, that was after he got killed. Is that what I said?

Mr. HALLEY. You said that was paid over to his widow.

Mr. OSADCHEY. Right. Right, yes.

Mr. HALLEY. That was his share; is that right?

Mr. OSADCHEY. That is right.

Mr. HALLEY. And he had a 10-percent interest?

Mr. OSADCHEY. I don't quite remember just what the percentage was.

Mr. HALLEY. The State Line operation was a fairly profitable one then; was it not?

Mr. OSADCHEY. Well, it never did run long enough for any one period to be.

Mr. HALLEY. But when it did run a man with 10 percent could make as much as \$2,000 a month out of it; is that right?

Mr. OSADCHEY. He could; yes, sir.

Mr. HALLEY. And did?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. Were you active in the 1948 campaign?

Mr. OSADCHEY. Yes, a little.

Mr. HALLEY. Well, did you travel throughout the State?

Mr. OSADCHEY. Yes, I made several trips.

Mr. HALLEY. Did you go to St. Louis with Charles Binaggio?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. And did you travel with Pat Noonan?

Mr. OSADCHEY. At times.

Mr. HALLEY. And did you pay some of Noonan's expenses?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. You were all campaigning for Smith, is that right?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. And the Fifteenth Street Club was, I think you have already testified, trying to get in an administration that would open up the town of Kansas City, you said so quite frankly 2 months ago. Have you changed your mind?

Mr. OSADCHEY. No, no.

Mr. HALLEY. Well, is it the fact or isn't it? If it isn't just say so.

Mr. OSADCHEY. Well, we was trying to get in a Democratic administration.

Mr. HALLEY. Well, you were in the gambling business, were you not?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. And you wanted the town open for gambling; didn't you?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. And you were campaigning in the hopes that you would get an administration that would keep it open for gambling; is that right?

Mr. OSADCHEY. Well, I think any administration we would have had in there we would have had to sneak.

Mr. HALLEY. I don't understand that. Will you say it a little louder?

Mr. OSADCHEY. Well, you operate these places; they don't stay open very long.

Mr. HALLEY. You were trying to get a set-up so that you could stay open and not have this expense of opening and shutting and going from one place to another. If you could have gotten a game established in a nice place where you could have decorated it well and not been afraid of being raided you would have been in much better shape, wouldn't you?

Mr. OSADCHEY. Why, certainly.

Mr. HALLEY. Isn't that what you really wanted, two or three places like that where you could operate?

Mr. OSADCHEY. Why sure that is what you want. If you could get it.

Mr. HALLEY. Isn't that what you were trying to get by campaigning hard in the election in the hopes of getting a favorable administration?

Mr. OSADCHEY. Well, we was just trying to win the election.

Mr. HALLEY. And then you were hoping to get this town opened up, that far, were you not?

Mr. OSADCHEY. That didn't enter into it at the time.

Mr. HALLEY. But didn't Charlie Binaggio tell you that he hoped that the town would be opened up a little so that a few places could remain open?

Mr. OSADCHEY. Well, I suppose he was trying to get some places open; yes.

Mr. HALLEY. You have heard your friend Farrell say the same thing, haven't you?

Mr. OSADCHEY. No, I didn't hear Farrell say that.

Mr. HALLEY. Didn't you hear or read about his testifying that Binaggio wanted a few places open?

Mr. OSADCHEY. No. I didn't read it and I didn't hear it. I must have been in the hall I guess.

Mr. HALLEY. You have heard Binaggio say that, didn't you, that he wanted a few places opened up, not the whole town but some places, is that right?

Mr. OSADCHEY. Yes, he wanted some places open; yes, sir.

Mr. HALLEY. And if you could have opened one or two good crap games it would have been a very profitable thing, wouldn't it?

Mr. OSADCHEY. Why I suppose so.

Mr. HALLEY. Well the State Line is a shanty out there on Southwest Boulevard, isn't it? I mean being generous you would call it a shanty and yet in just 2 months Binaggio was able to make \$4,000 on 10 percent of the game, is that right?

Mr. OSADCHEY. Yes, sir.

Mr. HALLEY. And if you were able to have a game in a nice building, nice surroundings, without fear of being arrested, and having the place ripped apart, you could have operated a very profitable game, could you not?

Mr. OSADCHEY. Why of course.

Mr. HALLEY. It would have been a gold mine.

No other questions.

The CHAIRMAN. That is all, Mr. Spitz.

Mr. Milgram, please. Do you solemnly swear the testimony you will give this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MILGRAM. I do.

**TESTIMONY OF NAT MILGRAM AND JOHN MABRY, KANSAS CITY,
MO.**

Mr. HALLEY. What is your full name?

Mr. MILGRAM. Nat Milgram.

Mr. HALLEY. Your address, please.

Mr. MILGRAM. Business address or home?

Mr. HALLEY. Either.

Mr. MILGRAM. 401 East Twenty-second Street.

Mr. HALLEY. In what business are you?

Mr. MILGRAM. We operate the Milgram Food Markets.

Mr. HALLEY. It is a chain of food markets?

Mr. MILGRAM. Yes, sir.

Mr. HALLEY. Has there ever been an association of liquor dealers in Kansas City?

Mr. MILGRAM. I wouldn't know.

Mr. HALLEY. Do you own markets that sell liquor?

Mr. MILGRAM. I do.

Mr. HALLEY. But you sell bottled liquor, is that right?

Mr. MILGRAM. I do.

Mr. HALLEY. Have you ever heard of the Retail Package Liquor Store Dealers Association?

Mr. MILGRAM. Only so far as some 3 years ago, I guess, or 3½ years ago when the man who manages our departments came to me and told me that someone had approached him to join such an association.

Mr. HALLEY. Who was that man?

Mr. MILGRAM. Mr. John Mabry.

Mr. HALLEY. Is he here in the room?

Mr. MILGRAM. Yes.

Mr. HALLEY. Will you have him come up and join you? Perhaps he can help out.

The CHAIRMAN. Do you solemnly swear the testimony you give this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MABRY. I do.

Mr. HALLEY. Mr. Mabry, you have been associated with Mr. Milgram in the grocery business?

Mr. MABRY. Groceries and liquor business; yes, sir.

Mr. HALLEY. You are in charge of the liquor department?

Mr. MABRY. The liquor departments; yes, sir.

Mr. HALLEY. Did you ever hear of the Retail Package Liquor Store Dealers Association?

Mr. MABRY. Yes.

Mr. HALLEY. What is that association or what was it?

Mr. MABRY. I know very, very little about it. I was contacted by Mr. McMullin at one time, and he told me that they were planning on opening an association here. I asked him if he was going to head it, and he said "No," but he would acquaint me with the man. I think he was going under the name of Pat Quinn. Pat Quinn and he came down to see me one day and asked me if I wanted to join.

Mr. HALLEY. Where did you see Pat Quinn?

Mr. MABRY. At my office.

Mr. HALLEY. What did he say to you?

Mr. MABRY. He told me that they were planning on organization simply for the good of the liquor industry in Kansas City and he would like to have our membership when he got ready to go.

Mr. HALLEY. Did you ever know Pat Quinn under the name of Pat Distasio?

Mr. MABRY. No, only by what I read in the paper. That is all I know.

Mr. HALLEY. You have heard him referred to as Pat Distasio?

Mr. MABRY. In the newspaper.

Mr. HALLEY. What did you say when he asked you to join his association?

Mr. MABRY. I told him I would have to take it up with the management before I could give him any decision, and I would have to get more facts on it. To save time and effort, I referred him to our attorney, Mr. George Charno, to look into the facts and present them to Mr. Milgram if he thought the organization might do us some good in the liquor business in Kansas City.

Mr. HALLEY. Then did you give an answer to Quinn?

Mr. MABRY. He never did see me further on that. Mr. Charno gave the answer that it was just being formed, and at the present time we felt it best not to go into it until he had it better organized, if ever.

Mr. HALLEY. Some time after that was one of your stores bombed?

Mr. MABRY. Yes; there was one bombed.

Mr. HALLEY. When did the bombing occur? Was it June of 1947?

Mr. MABRY. Yes; close to the fourth—around the latter part of June I would say, the 28th I believe, to be exact.

Mr. HALLEY. Was anybody ever convicted for the bombing?

Mr. MABRY. I don't believe so.

Mr. HALLEY. Were charges ever brought against anybody for the bombing?

Mr. MABRY. Yes; I think some charges were brought against Pat Quinn, I think at that time, or Pat Distasio.

Mr. HALLEY. Charges were brought against Pat Quinn, alias Pat Distasio; is that right?

Mr. MABRY. I think the city or State or somebody brought them.

Mr. HALLEY. Some of the witnesses were threatened; is that right?

Mr. MABRY. I don't know about that. I read that in the paper. I couldn't say that.

Mr. HALLEY. Were you ever threatened?

Mr. MABRY. Threatened? Directly, no; I wasn't threatened directly.

Mr. HALLEY. Mr. Milgram, were you threatened?

Mr. MILGRAM. No. We received a telephone call at home one evening just as I arrived. My daughter received it. My son had the extension upstairs. Some voice over the phone wanted to know if I was there, and they said "yes." They said, "Now you just tell your dad that what has happened to the store is just a sample of what is going to happen." Then they rang off.

Mr. HALLEY. Did they say anything about getting rid of John?

Mr. MILGRAM. Oh, yes. I forgot part of the sentence. Unless I got rid of John Mabry.

Mr. HALLEY. Was there any further attempt to get you to join the association?

Mr. MILGRAM. From that time on it was up to Mr. Charno, our attorney at that time, to handle all those problems. He could very well give you all that information.

Mr. HALLEY. Did you join the association?

Mr. MILGRAM. No, sir.

Mr. HALLEY. You never did?

Mr. MILGRAM. No, sir.

Mr. HALLEY. Nobody has ever been convicted for the bombing of your store; is that right?

Mr. MILGRAM. Not that I know of.

Mr. HALLEY. No further questions.

The CHAIRMAN. Is it known that this Mr. Quinn is the same fellow that you are talking about?

Mr. HALLEY. I think he has been identified clearly as Distasio, yes.

The CHAIRMAN. Who is Distasio?

Mr. HALLEY. Distasio worked for the association. Is that not right?

Mr. MABRY. Yes; he was one of the members, as I recall. He told me he was.

The CHAIRMAN. All right, thank you, Mr. Mabry and Mr. Milgram. See if Mr. Weintraub is here yet.

(No response.)

Mr. HALLEY. Let's call Joe DiGiovanni.

The CHAIRMAN. Come around, Mr. DiGiovanni. Do you solemnly swear that the testimony you will give this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. DIGIOVANNI. I do.

The CHAIRMAN. Sit down.

TESTIMONY OF JOSEPH DI GIOVANNI

Mr. HALLEY. What is your full name?

Mr. DIGIOVANNI. Joseph DiGiovanni.

Mr. HALLEY. What business are you in?

Mr. DIGIOVANNI. Wholesale liquor.

Mr. HALLEY. What is the name of your business?

Mr. DIGIOVANNI. Midwest Distributing Co.

Mr. HALLEY. How long have you been in the wholesale liquor business?

Mr. DIGIOVANNI. Since repeal.

Mr. HALLEY. Since repeal. Do you have any partners in that business?

Mr. DiGIOVANNI. Yes, sir.

Mr. HALLEY. Who are they?

Mr. DiGIOVANNI. My brother.

Mr. HALLEY. Anyone else?

Mr. DiGIOVANNI. No one else.

Mr. HALLEY. What other businesses are you in or have you been in?

Mr. DiGIOVANNI. That is all.

Mr. HALLEY. Have you ever been arrested?

Mr. DiGIOVANNI. No, sir.

Mr. HALLEY. Have you ever been convicted of any crime?

Mr. DiGIOVANNI. No, sir.

Mr. HALLEY. Are you sure of that?

Mr. DiGIOVANNI. Yes, sir.

Mr. HALLEY. How long have you lived in the State of Missouri?

Mr. DiGIOVANNI. About 35 or 37 years.

Mr. HALLEY. Where did you live before you came to Missouri?

Mr. DiGIOVANNI. I lived in New Orleans.

Mr. HALLEY. And before that?

Mr. DiGIOVANNI. In Chicago.

Mr. HALLEY. Chicago.

Mr. DiGIOVANNI. And I live in Kansas City.

Mr. HALLEY. New Orleans, Chicago, and Kansas City.

Mr. DiGIOVANNI. That is right.

Mr. HALLEY. Are you a citizen of this country?

Mr. DiGIOVANNI. Yes, sir.

Mr. HALLEY. When did you come to this country?

Mr. DiGIOVANNI. 1903.

Mr. HALLEY. Are you related to John Blando?

Mr. DiGIOVANNI. No, sir.

Mr. HALLEY. You are not?

Mr. DiGIOVANNI. No, sir.

Mr. HALLEY. Is he married to any of your relatives?

Mr. DiGIOVANNI. No, sir.

Mr. HALLEY. Are you related to Jim Balestrere?

Mr. DiGIOVANNI. No, sir.

Mr. HALLEY. No relationship whatsoever?

Mr. DiGIOVANNI. No, sir.

Mr. HALLEY. Your income from the Midwest Distributing Co. in the year 1949 has been \$28,000, is that right?

Mr. DiGIOVANNI. I don't remember.

Mr. HALLEY. You don't remember?

Mr. DiGIOVANNI. No, sir.

Mr. HALLEY. Would you say that your total income for 1948—

Mr. DiGIOVANNI. I don't remember.

Mr. HALLEY. You don't remember—

Mr. DiGIOVANNI. No, sir.

Mr. HALLEY. Before I ask the question?

Mr. DiGIOVANNI. I don't remember what it was. Whatever it is, it is.

Mr. HALLEY. If it shows that your total income—

Mr. DiGIOVANNI. If it shows it, it is the truth.

Mr. HALLEY. Are you afraid to hear me ask the question?

Mr. DiGIOVANNI. No; I am not afraid.

Mr. HALLEY. Please let me finish the question. If it shows that your total income for 1949 was \$59,000, is that right?

Mr. DiGIOVANNI. It could be.

Mr. HALLEY. It could be?

Mr. DiGIOVANNI. Yes, sir.

Mr. HALLEY. And if it shows that for 1948 your total income was \$80,000—

Mr. DiGIOVANNI. It could be.

Mr. HALLEY. That could be, too?

Mr. DiGIOVANNI. Yes, sir.

Mr. HALLEY. In this Midwest business do you have a man named Paul Cantanzaro working for you?

Mr. DiGIOVANNI. Yes, sir.

Mr. HALLEY. How long have you known Cantanzaro?

Mr. DiGIOVANNI. Oh, I have known him—well, about 37 years, since I have been in Kansas City.

Mr. HALLEY. When did you first meet Cantanzaro?

Mr. DiGIOVANNI. He used to do business with me. I had a grocery store at 548 Campbell.

Mr. HALLEY. You had a grocery store at what address?

Mr. DiGIOVANNI. 548 Campbell.

Mr. HALLEY. What did Cantanzaro do there?

Mr. DiGIOVANNI. He used to have a shoe shop on the avenue.

Mr. HALLEY. Did you ever hear that Cantanzaro was arrested for the murder of a young boy named Carramusa?

Mr. DiGIOVANNI. Yes, sir.

Mr. HALLEY. You knew that.

Mr. DiGIOVANNI. Yes, sir.

Mr. HALLEY. Did you know him at the time?

Mr. DiGIOVANNI. Yes, sir.

Mr. HALLEY. Were you there when the arrest occurred?

Mr. DiGIOVANNI. No, sir.

Mr. HALLEY. Were you present?

Mr. DiGIOVANNI. No, sir.

Mr. HALLEY. Did you see it?

Mr. DiGIOVANNI. No, sir.

Mr. HALLEY. Did you help in the defense of Cantanzaro?

Mr. DiGIOVANNI. No.

Mr. HALLEY. How soon after he was let out did you hire him to work for you?

Mr. DiGIOVANNI. I hired him when we had this wholesale, used to be a night watchman. About 1937, 1936, or 1937 he used to work for me. Then we put the ADT on and we let him go. We didn't need him any more.

Mr. HALLEY. Does he work for you now?

Mr. DiGIOVANNI. No, sir. We put the ADT on, and we let him go.

Mr. HALLEY. He hasn't worked for you since 1937?

Mr. DiGIOVANNI. I don't know just exactly. No, he worked about 1937. He worked for me about 6 or 7 years, I think.

Mr. HALLEY. For 6 or 7 years?

Mr. DiGIOVANNI. Then we let him go. I don't remember exactly how many years.

Mr. HALLEY. He didn't work for you before 1937?

Mr. DiGIOVANNI. I don't think so.

Mr. HALLEY. Do you own a retail liquor store?

Mr. DiGIOVANNI. No, sir.

Mr. HALLEY. It is against the law to own both a wholesale and a retail liquor store, is that right?

Mr. DiGIOVANNI. Never did own it.

Mr. HALLEY. It is against the law to do it, is that right?

Mr. DiGIOVANNI. Yes, sir.

Mr. HALLEY. Do any of the members of your family own a retail liquor store?

Mr. DiGIOVANNI. My son.

Mr. HALLEY. That is Peter?

Mr. DiGIOVANNI. No, Salvatore.

Mr. HALLEY. Salvatore?

Mr. DiGIOVANNI. Yes.

Mr. HALLEY. What is the name of the store he owns?

Mr. DiGIOVANNI. Happy Holly.

Mr. HALLEY. And do any of your relatives own the Stop and Shop Stores?

Mr. DiGIOVANNI. My nephew.

Mr. HALLEY. And what is his name?

Mr. DiGIOVANNI. Paul.

Mr. HALLEY. Paul.

Mr. DiGIOVANNI. Yes.

Mr. HALLEY. Does Impostato work for Paul?

Mr. DiGIOVANNI. I don't know.

Mr. HALLEY. Paul Impostato?

Mr. DiGIOVANNI. I don't know.

Mr. HALLEY. Do you know Nicola Impostato?

Mr. DiGIOVANNI. Yes.

Mr. HALLEY. How long have you known him?

Mr. DiGIOVANNI. Oh, about 10 years.

Mr. HALLEY. Does Patsy Ventola work for the Stop and Shop stores?

Mr. DiGIOVANNI. Yes.

Mr. HALLEY. How long have you known Patsy Ventola?

Mr. DiGIOVANNI. I know him since he was a little kid.

Mr. HALLEY. He was convicted for dope peddling, wasn't it?

Mr. DiGIOVANNI. Yes, sir.

Mr. HALLEY. You claim you were never arrested?

Mr. DiGIOVANNI. No, sir.

Mr. HALLEY. You claim you were never convicted of any crime?

Mr. DiGIOVANNI. No, sir.

Mr. HALLEY. And you so testified before this committee the last time you appeared here?

Mr. DiGIOVANNI. Yes, sir.

Mr. HALLEY. You used to be in the grocery business, were you not?

Mr. DiGIOVANNI. Uh-huh.

Mr. HALLEY. Weren't you ever arrested with a group of other men for sending Black Hand notes in 1915?

Mr. DiGIOVANNI. No, sir.

Mr. HALLEY. Do you know what a Black Hand note is?

Mr. DiGIOVANNI. No, sir.

Mr. HALLEY. Did you ever hear of a Black Hand note?

Mr. DiGIOVANNI. No, sir.

Mr. HALLEY. You never heard of a Black Hand note?

Mr. DiGIOVANNI. No, sir.

Mr. HALLEY. Did you ever hear of the Black Hand?

Mr. DiGIOVANNI. No, sir.

Mr. HALLEY. Are you telling the truth?

Mr. DiGIOVANNI. Yes, sir.

Mr. HALLEY. Do you know the difference between a truth and a lie?

Mr. DiGIOVANNI. Yes.

Mr. HALLEY. And you are sitting here under oath and saying that you never heard of a Black Hand note?

Mr. DiGIOVANNI. I never heard of it.

Mr. HALLEY. Never heard of it.

Mr. DiGIOVANNI. No.

Mr. HALLEY. Did you ever hear the words "Black Hand" before?

Mr. DiGIOVANNI. No.

Mr. HALLEY. You probably are the only one in this courtroom who has not.

Mr. DiGIOVANNI. That could be.

Mr. HALLEY. You swear under oath that you never heard of the Black Hand before?

Mr. DiGIOVANNI. I did not.

Mr. HALLEY. Did you know John Lazia?

Mr. DiGIOVANNI. Yes, sir.

Mr. HALLEY. How long did you know him?

Mr. DiGIOVANNI. I know him a long time.

Mr. HALLEY. How long?

Mr. DiGIOVANNI. Well, maybe 12, 14 years.

Mr. HALLEY. Did you know Charlie Carrola?

Mr. DiGIOVANNI. Yes, sir.

Mr. HALLEY. Were you in the bootlegging business in prohibition?

Mr. DiGIOVANNI. No, sir.

Mr. HALLEY. Did you ever run a still?

Mr. DiGIOVANNI. No, sir.

Mr. HALLEY. You never ran a still—you never had a still blow up when you were on the premises?

Mr. DiGIOVANNI. No, sir.

Mr. HALLEY. At no time?

Mr. DiGIOVANNI. No time.

Mr. HALLEY. Do you know what a still is?

Mr. DiGIOVANNI. No, sir.

Mr. HALLEY. You don't know what a still is—I am sorry, I didn't hear the answer.

Mr. DiGIOVANNI. Huh?

Mr. HALLEY. Do you know what a still is?

Mr. DiGIOVANNI. What still?

The CHAIRMAN. A still to make whisky.

Mr. DiGIOVANNI. Yes; I have seen them in Kentucky, a lot of them.

Mr. HALLEY. You know what a still is?

Mr. DiGIOVANNI. I be see a lot of them in Kentucky.

Mr. HALLEY. Did you ever operate a still?

Mr. DiGIOVANNI. No.

Mr. HALLEY. At no time?

Mr. DiGIOVANNI. No.

Mr. HALLEY. And you never owned a still?

Mr. DiGIOVANNI. No, sir.

Mr. HALLEY. Were you ever present when a still exploded?

Mr. DiGIOVANNI. No, sir.

Mr. HALLEY. Where was your grocery store?

Mr. DiGIOVANNI. 548 Campbell.

Mr. HALLEY. Did you ever have one on Pacific Street?

Mr. DiGIOVANNI. Yes.

Mr. HALLEY. 1002 Pacific Street?

Mr. DiGIOVANNI. I don't remember the number but I had a grocery store there.

Mr. HALLEY. Did you know a policeman named Olivero?

Mr. DiGIOVANNI. Yes.

Mr. HALLEY. He was killed, wasn't he?

Mr. DiGIOVANNI. Yes, sir.

Mr. HALLEY. Do you know who killed him?

Mr. DiGIOVANNI. No, sir.

Mr. HALLEY. Did you know Paul Cantanzaro, shoemaker?

Mr. DiGIOVANNI. Yes.

Mr. HALLEY. Who is he?

Mr. DiGIOVANNI. Fellow used to work for me, you just asked me a while ago.

Mr. HALLEY. He was the fellow who was arrested in connection with the Carramusa boy, isn't he?

Mr. DiGIOVANNI. Yes, sir.

Mr. HALLEY. Weren't you both arrested in 1915, for sending Black Hand notes for money?

Mr. DiGIOVANNI. No, sir.

Mr. HALLEY. Weren't you both arrested by Patrolman Olivero in 1915?

Mr. DiGIOVANNI. No, sir.

Mr. HALLEY. Were you ever convicted of having a still?

Mr. DiGIOVANNI. No, sir.

Mr. HALLEY. You are Joe DiGiovanni, aren't you?

Mr. DiGIOVANNI. Yes.

Mr. HALLEY. And were you ever fingerprinted in your life—do you know what fingerprinting is?

Mr. DiGIOVANNI. Yes.

Mr. HALLEY. Were you ever fingerprinted?

Mr. DiGIOVANNI. Yes.

Mr. HALLEY. When were you fingerprinted?

Mr. DiGIOVANNI. Day before yesterday.

Mr. HALLEY. Where were you fingerprinted?

Mr. DiGIOVANNI. Police station.

Mr. HALLEY. Who fingerprinted you?

Mr. DiGIOVANNI. A gentleman there.

Mr. HALLEY. Were you ever fingerprinted before that?

Mr. DiGIOVANNI. Yes.

Mr. HALLEY. When?

Mr. DiGIOVANNI. Oh, about 8 years ago, I guess, 7, 8 years ago.

Mr. HALLEY. How did you happen to be fingerprinted that time?

Mr. DiGIOVANNI. I got fingerprinted old post office over across from Union Station.

Mr. HALLEY. Was that in connection with the war?

Mr. DiGIOVANNI. No.

Mr. HALLEY. How were you fingerprinted? Who fingerprinted you, a police officer?

Mr. DiGIOVANNI. The Government send for us over there and took us up there in the post office and have fingerprinted.

Mr. HALLEY. What government sent for you, the police. Were you arrested on that occasion?

Mr. DiGIOVANNI. No; I was not arrested, the Government men came in and told us to go over there.

Mr. HALLEY. Seven or eight years ago?

Mr. DiGIOVANNI. Yes.

Mr. HALLEY. Was that as an alien enemy or in a round-up?

Mr. DiGIOVANNI. I don't know what it was.

Mr. HALLEY. Connected with the war?

Mr. DiGIOVANNI. I don't know what it was.

Mr. HALLEY. Were you ever fingerprinted on any other occasion?

Mr. DiGIOVANNI. No, sir.

Mr. HALLEY. Do you remember ever appearing in court in 1928 on a liquor charge?

Mr. DiGIOVANNI. No, sir.

Mr. HALLEY. Did you ever pay a fine to a court?

Mr. DiGIOVANNI. Yes.

Mr. HALLEY. You did?

Mr. DiGIOVANNI. Yes.

Mr. HALLEY. When did you pay a fine to a court?

Mr. DiGIOVANNI. I don't remember when.

Mr. HALLEY. What happened to make you have to pay a fine?

Mr. DiGIOVANNI. Well, I own property.

Mr. HALLEY. You own property.

Mr. DiGIOVANNI. Yes, and that property that I owned the Government find a still there.

Mr. HALLEY. The Government happened to find a still on some property that you owned?

Mr. DiGIOVANNI. Yes.

Mr. HALLEY. And were you arrested in connection with it?

Mr. DiGIOVANNI. No, sir; after about 30 day after they find out the property was mine, they come and get me.

Mr. HALLEY. When they came and got you, didn't they arrest you?

Mr. DiGIOVANNI. I don't know if they arrest me, they told me to go over to the post office.

Mr. HALLEY. You are a man that earned 2 years ago \$80,000 in 1 year and are you sitting there trying to tell this committee that you don't know what it is to be arrested?

Mr. DiGIOVANNI. They told me to go over to the post office.

Mr. HALLEY. They took you to the post office, didn't they?

Mr. DiGIOVANNI. Yes.

Mr. HALLEY. In a wagon?

Mr. DiGIOVANNI. No wagon.

Mr. HALLEY. In an automobile?

Mr. DiGIOVANNI. No; we just walk up there.

Mr. HALLEY. And in the post office——

Mr. DiGIOVANNI. Yes.

Mr. HALLEY. There was a jail.

Mr. DiGIOVANNI. Right here, at this post office here.

Mr. HALLEY. Were you locked up?

Mr. DiGIOVANNI. No, sir.

Mr. HALLEY. Did you put up bail?

Mr. DiGIOVANNI. I don't remember.

Mr. HALLEY. You mean you don't remember? Did you go to court and appear before a judge?

Mr. DiGIOVANNI. Well, I don't know, I don't remember if I did or not to tell you the truth.

Mr. HALLEY. How can you sit there and say you don't remember if you appeared before a judge?

Mr. DiGIOVANNI. I don't remember, I don't remember whether I went before the judge or not.

Mr. HALLEY. Isn't it a fact that on November 24, 1928, you pleaded guilty to a liquor violation and were fined \$500?

Mr. DiGIOVANNI. That is right.

Mr. HALLEY. That is right?

Mr. DiGIOVANNI. That is right—that is right.

Mr. HALLEY. And you were convicted, is that right?

Mr. DiGIOVANNI. Yes.

Mr. HALLEY. Why did you say before that you were not convicted?

Mr. DiGIOVANNI. Well, I don't know what you meant by the convicted.

Mr. HALLEY. You don't really mean that.

Mr. DiGIOVANNI. That is the truth.

Mr. HALLEY. You were hoping I didn't have the record here, isn't that what you really mean?

Mr. DiGIOVANNI. That is all right if you have the record. I am glad you got them.

Mr. HALLEY. I had to read every detail off the record before you would admit it.

Mr. DiGIOVANNI. I am glad you got it.

Mr. HALLEY. Were you ever arrested on any other occasion?

Mr. DiGIOVANNI. No, sir.

Mr. HALLEY. I have got the record, you might as well admit it.

Mr. DiGIOVANNI. If you have got the record, maybe you got the record, I don't know.

Mr. HALLEY. You know what it means to be arrested, don't you?

Mr. DiGIOVANNI. I have been arrested, I told you.

Mr. HALLEY. Do you remember the occasion when you were arrested for the Black Hand letters?

Mr. DiGIOVANNI. No, sir.

Mr. HALLEY. Do you still say you don't know what a Black Hand letter is, do you still say that?

Mr. DiGIOVANNI. That is right.

Mr. HALLEY. You still say you never heard of the Black Hand?

Mr. DiGIOVANNI. That is right.

Mr. HALLEY. Do you know what the Mafia is?

Mr. DiGIOVANNI. No, sir.

Mr. HALLEY. You never heard of the Mafia?

Mr. DiGIOVANNI. No, sir.

Mr. HALLEY. Did you ever hear anybody use that word before?

Mr. DiGIOVANNI. No, sir.

Mr. HALLEY. Well, I asked you about it, about 2 months ago, when we were having hearings here.

Mr. DiGIOVANNI. Well, I don't remember.

Mr. HALLEY. You don't remember even that?

Mr. DiGIOVANNI. That is right.

Mr. HALLEY. Is that a serious answer?

Mr. DiGIOVANNI. Well, don't remember, I don't know what you ask me 2 months ago.

Mr. HALLEY. You don't remember my asking you about the Mafia 2 months ago?

Mr. DiGIOVANNI. I don't remember.

Mr. HALLEY. You don't remember?

Mr. DiGIOVANNI. That is right.

Mr. HALLEY. Do you remember whether I talked to you 2 months ago?

Mr. DiGIOVANNI. I don't remember, to tell you the truth.

Mr. HALLEY. Do you remember having seen me 2 months ago?

Mr. DiGIOVANNI. No, sir.

Mr. HALLEY. Do you remember having appeared before Senator Kefauver 2 months ago?

Mr. DiGIOVANNI. I remember I was here, but I don't remember you talk.

Mr. HALLEY. Do you remember appearing before this committee?

Mr. DiGIOVANNI. That is right.

Mr. HALLEY. That you do remember?

Mr. DiGIOVANNI. That is right.

Mr. HALLEY. Do you remember as recently as 1930 having pleaded guilty on a liquor charge and being sentenced to jail?

Mr. DiGIOVANNI. No, sir.

Mr. HALLEY. You do not?

Mr. DiGIOVANNI. No, sir.

Mr. HALLEY. You never got 60 days in the Clay County jail?

Mr. DiGIOVANNI. Not even a day.

Mr. HALLEY. November 6, 1930.

Mr. DiGIOVANNI. No, sir.

Mr. HALLEY. Your name is Joe DiGiovanni?

Mr. DiGIOVANNI. Joe DiGiovanni, yes.

Mr. HALLEY. And do you remember having been arrested in 1920 on a liquor charge?

Mr. DiGIOVANNI. No, sir.

Mr. HALLEY. You do not remember?

Mr. DiGIOVANNI. No, sir.

Mr. HALLEY. Is it possible that that could have happened and you forgot about it?

Mr. DiGIOVANNI. No.

Mr. HALLEY. Do you remember having been indicted on a liquor charge in 1927?

Mr. DiGIOVANNI. No, sir.

Mr. HALLEY. For having 4,000 gallons of liquor; do you remember that?

Mr. DiGIOVANNI. You got the wrong Joe DiGiovanni.

Mr. HALLEY. Maybe I do.

Mr. DiGIOVANNI. Yes, sir.

Mr. HALLEY. I don't have the wrong Joe DiGiovanni on the \$500 fine.

Mr. DiGIOVANNI. That is true.

Mr. HALLEY. There we have the right Joe DiGiovanni?

Mr. DiGIOVANNI. Yes.

Mr. HALLEY. Do you know Joe Batini?

Mr. DiGIOVANNI. Joe Batini? No, sir.

Mr. HALLEY. Never heard of Joe Batini? Did you ever hear of him?

Mr. DiGIOVANNI. No.

Mr. HALLEY. Do you know Tony Tuminello?

Mr. DiGIOVANNI. No, sir.

Mr. HALLEY. Were you indicted on a liquor charge in 1928?

Mr. DiGIOVANNI. No, sir.

Mr. HALLEY. Were you indicted on a liquor charge in 1927?

Mr. DiGIOVANNI. No, sir.

Mr. HALLEY. Were you indicted on a liquor charge for 2,000 gallons of liquor in 1930?

Mr. DiGIOVANNI. No, sir.

Mr. HALLEY. Do you know of any other Joe DiGiovanni who was arrested very often on liquor charges?

Mr. DiGIOVANNI. But there are a lot of Joe DiGiovanni's. I don't know anybody that was arrested.

Mr. HALLEY. Do you know Sam Pallino?

Mr. DiGIOVANNI. Yes, sir.

Mr. HALLEY. Do you know Frank Mazzuca?

Mr. DiGIOVANNI. Yes, sir.

Mr. HALLEY. Were you ever arrested with Pallino and Mazzuca?

Mr. DiGIOVANNI. No, sir.

Mr. HALLEY. You never were arrested with them?

Mr. DiGIOVANNI. No, sir.

Mr. HALLEY. In 1929?

Mr. DiGIOVANNI. No, sir.

Mr. HALLEY. Are you sure of that?

Mr. DiGIOVANNI. I am positive.

Mr. HALLEY. You say the only time you were arrested was in 1928 when you paid the \$500?

Mr. DiGIOVANNI. That is right.

Mr. HALLEY. Was that the only conviction you have ever had?

Mr. DiGIOVANNI. That is right.

Mr. HALLEY. You are sure of it?

Mr. DiGIOVANNI. Yes, sir.

Mr. HALLEY. Do you know Jim Balestrere?

Mr. DiGIOVANNI. Yes, sir.

Mr. HALLEY. Do you know Frank DeLuca?

Mr. DiGIOVANNI. Yes, sir.

Mr. HALLEY. Are you related to Frank DeLuca?

Mr. DiGIOVANNI. No, sir.

Mr. HALLEY. Do you know Joe DeLuca?

Mr. DiGIOVANNI. Yes, sir.

Mr. HALLEY. Do you know Tony Gizzo?

Mr. DiGIOVANNI. Yes, sir.

Mr. HALLEY. Do you know Tano Lacoco?

Mr. DiGIOVANNI. Yes, sir.

Mr. HALLEY. Do you know Joe Filardo?

Mr. DiGIOVANNI. Yes, sir.

Mr. HALLEY. Do you know Joe Cusumano?

Mr. DiGIOVANNI. Yes.

Mr. HALLEY. Do you know Vincent Chiapetti?

Mr. DiGIOVANNI. Yes, sir.

Mr. HALLEY. Do you know Frank Larocco?

Mr. DiGIOVANNI. Yes, sir.

Mr. HALLEY. You do know Lacoco, too; don't you?

Mr. DiGIOVANNI. Yes, sir.

Mr. HALLEY. You knew Gargotta?

Mr. DiGIOVANNI. Yes, sir.

Mr. HALLEY. You knew Binaggio?

Mr. DiGIOVANNI. Yes, sir.

Mr. HALLEY. Do you know Paul Farrantelli?

Mr. DiGIOVANNI. Yes, sir.

Mr. HALLEY. Do you know James DeSimone?

Mr. DiGIOVANNI. Yes, sir.

Mr. HALLEY. And Jim Balestrere—his son has a liquor store; is that right?

Mr. DiGIOVANNI. Yes, sir.

Mr. HALLEY. Did you all belong to the Retail Package Liquor Association?

Mr. DiGIOVANNI. Never did.

Mr. HALLEY. You never belonged?

Mr. DiGIOVANNI. No.

Mr. HALLEY. Of course, you are in the wholesale business?

Mr. DiGIOVANNI. That is right.

Mr. HALLEY. Do you know whether your son belongs to the Retail Package Liquor Association?

Mr. DiGIOVANNI. I don't know.

Mr. HALLEY. Do you know Pat Distasio?

Mr. DiGIOVANNI. No.

Mr. HALLEY. Did you ever hear of Pat Distasio?

Mr. DiGIOVANNI. No.

Mr. HALLEY. Do you know Pat Quinn?

Mr. DiGIOVANNI. No.

Mr. HALLEY. No other questions.

The CHAIRMAN. I believe you have the Seagram's agency.

Mr. DiGIOVANNI. Yes, sir.

The CHAIRMAN. You have wholesale distribution for Jackson County and Kansas City?

Mr. DiGIOVANNI. Yes, sir.

The CHAIRMAN. Exclusive? Do you have the exclusive distributorship for Seagram's in this county?

Mr. DiGIOVANNI. Yes, sir.

The CHAIRMAN. You did have before that Hiram Walker and National and Brown & Forman; didn't you?

Mr. DiGIOVANNI. Yes, sir.

The CHAIRMAN. Do you still carry that line?

Mr. DiGIOVANNI. No. We have Seagram, we have Continental. We gave up Hiram Walker and Schenley.

The CHAIRMAN. You don't have Brown & Forman?

Mr. DiGIOVANNI. No, sir.

The CHAIRMAN. You knew Mr. Carramusa, didn't you?

Mr. DiGIOVANNI. Yes, sir.

The CHAIRMAN. He was a friend of yours.

Mr. DiGIOVANNI. Yes, sir.

The CHAIRMAN. You knew the boy that got killed.

Mr. DiGIOVANNI. Yes, sir.

The CHAIRMAN. You knew this man who is alleged to have killed the boy.

Mr. DiGIOVANNI. No.

Mr. HALLEY. Catanzaro?

Mr. DiGIOVANNI. Oh, yes.

The CHAIRMAN. If you were a friend of the Carramusas, how did you happen to employ the man that everybody thought killed the boy?

Mr. DiGIOVANNI. I needed a watchman in my place. I had to get somebody to watch the place.

The CHAIRMAN. It is generally known that they saw him kill the boy in cold blood, isn't it?

Mr. DiGIOVANNI. I think that boy when he got killed it was an accident. You see, the way I got this story—I don't know if it is true or not—there was somebody driving and he ran over some kid, you see. I don't know whether it is true or not.

The CHAIRMAN. He killed the boy with a shotgun, didn't he?

Mr. DiGIOVANNI. I don't know how he killed him. I wasn't there.

The CHAIRMAN. Weren't you picked up in connection with the investigation about the killing of that boy's uncle, Frank Carramusa?

Mr. DiGIOVANNI. No, sir.

The CHAIRMAN. They didn't pick you up in that connection?

Mr. DiGIOVANNI. No, sir.

The CHAIRMAN. Were you picked up in the investigation of his brother, Carl Carramusa?

Mr. DiGIOVANNI. No, sir.

Mr. WHITE. Didn't I pick you up in 1945?

Mr. DiGIOVANNI. No, sir.

Mr. WHITE. Did you ever see me before?

Mr. DiGIOVANNI. I don't know if I see you or not. You never picked me up no place.

Mr. WHITE. Didn't I come out and search your house one time?

Mr. DiGIOVANNI. Yes; you came in, you and—I don't know if it was you. It was about six or seven Government men, saying they were Government agents wanting to search the house, and I said, "Come right on in, and I will let you in."

Mr. WHITE. I brought you down.

Mr. DiGIOVANNI. I don't remember you. There were about seven or eight Government men that come in and says, "We are Government agents and want to come in."

Mr. WHITE. Do you know Mr. Follmer?

Mr. DiGIOVANNI. No, sir.

Mr. WHITE. You don't know Mr. Follmer, the narcotic agent here.

Mr. DiGIOVANNI. No.

Mr. WHITE. Did you see Mr. Follmer with me—

Mr. DiGIOVANNI. I didn't take a picture when they came to my house. There was about seven or eight Government men.

Mr. WHITE. Were you in the courtroom yesterday?

Mr. DiGIOVANNI. No, sir.

Mr. WHITE. You weren't here yesterday?

Mr. DiGIOVANNI. No, sir.

Mr. WHITE. You didn't hear Mr. Follmer testify?

Mr. DiGIOVANNI. No, sir.

Mr. HALLEY. Did you ever live on Campbell Street?

Mr. DiGIOVANNI. Campbell Street. 567?

Mr. HALLEY. 565.

Mr. DiGIOVANNI. 567.

Mr. HALLEY. 567?

Mr. DiGIOVANNI. Yes, sir.

Mr. HALLEY. Was there another Joe DiGiovanni living right next door at 565?

Mr. DiGIOVANNI. I don't know.

Mr. HALLEY. Did you ever live at 3524 Park?

Mr. DiGIOVANNI. Yes, sir. That was my home.

Mr. HALLEY. Was there any other Joe DiGiovanni at that place?

Mr. DiGIOVANNI. Not that I know of.

Mr. HALLEY. Did you ever live at 533 Charlotte?

Mr. DiGIOVANNI. No, sir.

Mr. HALLEY. Did you ever live at Gladstone?

Mr. DiGIOVANNI. Yes, sir.

Mr. HALLEY. 410 Gladstone?

Mr. DiGIOVANNI. Yes, sir.

Mr. HALLEY. Was there any other Joe DiGiovanni living there?

Mr. DiGIOVANNI. No, sir.

Mr. HALLEY. Were you ever arrested for murder in 1918?

Mr. DiGIOVANNI. No, sir.

Mr. HALLEY. Were you arrested in 1918?

The CHAIRMAN. Were you arrested in 1918?

Mr. DiGIOVANNI. I don't remember.

The CHAIRMAN. You must remember if you were.

Does this notice of arrest follow Joe DiGiovanni living at those addresses, Mr. Halley?

Mr. HALLEY. Yes; and there is a picture attached, Mr. Chairman, that is obviously a picture of this man at an early age.

The CHAIRMAN. There couldn't be any mistake about it, Mr. DiGiovanni. This is your picture. Take it around and show it to him, Mr. Halley.

Mr. WHITE. Do you recognize this photograph, Mr. DiGiovanni?

Mr. DiGIOVANNI. Yes.

Mr. WHITE. Is that your picture?

Mr. DiGIOVANNI. Yes.

Mr. WHITE. You can read English?

Mr. DiGIOVANNI. Yes, sir.

Mr. WHITE. What is your birthday?

Mr. DiGIOVANNI. April 23.

Mr. WHITE. You are a male, born in Italy on April 23. What year?

Mr. DiGIOVANNI. 1888.

The CHAIRMAN. Is that the identification there?

Mr. WHITE. Yes.

Mr. HALLEY. Does that help you remember whether you were ever arrested for murder in 1918?

The CHAIRMAN. Read the thing and see if you can refresh your recollection, Mr. Giovanni. Read what it says and look at your picture.

Mr. WHITE. Let me show you this, Mr. DiGiovanni. You recognize the photograph I am showing you now. You do recognize that. Do you know that man?

Mr. DiGIOVANNI. No.

Mr. WHITE. This man's name is Governale, Mike Governale. Did you ever hear that name before?

Mr. DiGIOVANNI. Mike Governale; no, sir.

Mr. WHITE. You never heard that name before. You were never arrested with him?

Mr. DiGIOVANNI. No.

The CHAIRMAN. What was your answer? We can't hear you.

Mr. DiGIOVANNI. No, sir.

The CHAIRMAN. You were never arrested with him.

Mr. DiGIOVANNI. No.

Mr. WHITE. Did you ever hear of a man named Pietro Agnello?

Mr. DiGIOVANNI. Yes, sir.

Mr. WHITE. Is that Pietro Agnello there, the picture I am showing you?

Mr. DiGIOVANNI. I don't know whether it is or not, to tell you the truth.

Mr. WHITE. Were you ever arrested with a man named Pietro Agnello?

Mr. DiGIOVANNI. No, sir.

Mr. WHITE. I show you another photograph of a man named Dominic Carrollo. Did you ever see that man before?

Mr. DiGIOVANNI. Dominic Carrollo? I don't believe I have.

The CHAIRMAN. Speak up.

Mr. DiGIOVANNI. I don't believe I have.

The CHAIRMAN. Look at his picture and see if you recognize it.

Mr. DiGIOVANNI. I don't.

Mr. WHITE. I show you a photograph here of a man named Mariano Alonzi. Do you know anybody by the name of Mariano Alonzi?

Mr. DiGIOVANNI. No, sir.

Mr. WHITE. You don't recognize the photograph?

Mr. DiGIOVANNI. No, sir.

Mr. WHITE. Were you ever arrested for the kidnaping and rape of a woman by the name of Pauline Palermo?

Mr. DiGIOVANNI. No.

Mr. HALLEY. Did you ever hear of a woman named Pauline Palermo?

Mr. DiGIOVANNI. No, sir.

Mr. HALLEY. Palermo. Did you ever know anybody by the name Palermo?

Mr. DiGIOVANNI. No, sir.

Mr. WHITE. I show you a photograph of a man by the name of Tony Maniscalco. Do you recognize the photograph?

Mr. DiGIOVANNI. No, sir.

Mr. WHITE. Were you ever arrested with Tony Maniscalco?

Mr. DiGIOVANNI. No, sir.

Mr. WHITE. I show you a photograph of a man named John Cincione. Do you recognize the photograph?

Mr. DiGIOVANNI. No, sir.

Mr. WHITE. At the bottom of this record in the case of John Cinincone it says here—I will read it to you, Mr. DiGiovanni:

As John Cirinicone arrested at Kansas City, Mo., by Chief of Police Godley and Chief of Detectives Phelan, Olivaro, Arthur, Bezzell, King, Harrison, and Kritser March 23, 1919 at 108 East Third Street with Joe San Biagio and same case with Mike Molle, Joe Cancellai, No. 8421; Joe Vaccaro, No. 7648; James Coppari; Vincent Cipolli, Dominick Molle, No. 8419; Leonard Saladino, Joe Moscato; Sam Tripi, No. 7075; Vincent Abbolito, Sam Saliccia, Joe DiGiovanni, No. 7079; Paul Cantanzaro, No. 7077; Salvatore Fasone, and Gastano Provino, charge investigation. (All Black Hand.)

Does that refresh your recollection?

Mr. DiGIOVANNI. No, sir.

The CHAIRMAN. Let's stay with that a minute. How many of those people do you know? Keep the record there.

Mr. WHITE. Let me go through the rest of them. There are some others here.

The CHAIRMAN. Do you know these people whose names he has read to you, Mr. DiGiovanni?

Mr. DiGIOVANNI. Some of them I do; yes.

Mr. WHITE. Look through the photographs and tell me which of the photographs you recognize. You recognize that one, don't you?

Mr. DiGIOVANNI. Yes, sir. That is me.

I can't recognize this [indicating]. I have to have my glasses.

The CHAIRMAN. Do you have your glasses here?

Mr. DiGIOVANNI. No.

Mr. WHITE. He does not recognize the photograph of Mike Governale.

Mr. DiGIOVANNI. I can't recognize that at all.

Mr. HALLEY. You just said you recognized your own.

Mr. DiGIOVANNI. My own, yes.

Mr. HALLEY. You can see.

Mr. DiGIOVANNI. I can't see the others.

Mr. WHITE. You recognized one here a minute ago. Don't you recognize the photograph of Pietro Agnella?

Mr. DiGIOVANNI. Yes.

Mr. WHITE. You recognized him, don't you?

Mr. DiGIOVANNI. Yes.

Mr. WHITE. But you would have to have some glasses in order to recognize the photograph of Mike Governale.

Mr. DiGIOVANNI. That is right.

Mr. WHITE. Let's see what else you can recognize without your glasses. Here is a photograph of Dominic Carrollo. Do you recognize that?

Mr. DiGIOVANNI. No, sir. I never heard the name, either.

Mr. WHITE. Here is a photograph of Mariano Alonzi. Do you recognize that?

Mr. DiGIOVANNI. No.

Mr. WHITE. Here is a photograph of Tony Maniscoleo. Do you recognize that?

Mr. DiGIOVANNI. I can't recognize that unless I put my glasses on. I can't recognize them.

Mr. WHITE. Do you want to go through the rest of them?

The CHAIRMAN. Has anybody some glasses?

MR. HALLEY. We will let him examine the file tomorrow morning. He can come back and examine the file.

MR. DIGIOVANNI. That is right.

MR. HALLEY. You will come back with your glasses tomorrow morning.

MR. DIGIOVANNI. Sure, I will.

MR. HALLEY. But before we finish tonight, you did recognize your own picture.

MR. DIGIOVANNI. Yes.

MR. HALLEY. Where do you think the police got it?

MR. DIGIOVANNI. I don't know where they got it.

MR. HALLEY. You have admitted that you lived at these addresses that I read to you, Campbell Avenue, Gladstone Avenue.

MR. DIGIOVANNI. Yes, sir.

MR. HALLEY. That you were born in Italy on April 23, 1888.

MR. DIGIOVANNI. Yes, sir.

MR. HALLEY. With this record in front of you, are you willing to admit that you were arrested in 1918 for murder?

MR. DIGIOVANNI. No. Maybe I was.

MR. HALLEY. Maybe you were?

THE CHAIRMAN. Now we are getting somewhere. Maybe you were. Were you or were you not?

MR. DIGIOVANNI. I tell you, I don't remember.

THE CHAIRMAN. You must be able to remember whether you were arrested for murder in 1918.

MR. DIGIOVANNI. Maybe I was.

THE CHAIRMAN. Were you?

MR. DIGIOVANNI. It could be.

THE CHAIRMAN. Mr. DiGiovanni, you might as well understand that we are not going to take this kind of answer.

MR. DIGIOVANNI. Well, I was.

THE CHAIRMAN. You were?

MR. DIGIOVANNI. Yes.

THE CHAIRMAN. Then, you were arrested in 1918 for murder.

MR. DIGIOVANNI. Yes.

THE CHAIRMAN. Why did you tell us you were not a few minutes ago?

MR. DIGIOVANNI. I didn't remember then.

THE CHAIRMAN. You didn't remember, but now you remember.

MR. DIGIOVANNI. Yes.

THE CHAIRMAN. Where were you arrested for murder?

MR. DIGIOVANNI. At 15 Gills.

THE CHAIRMAN. In Kansas City?

MR. DIGIOVANNI. Yes.

THE CHAIRMAN. Is 15 Gills a street?

MR. DIGIOVANNI. Yes.

THE CHAIRMAN. Whom were you arrested with?

MR. DIGIOVANNI. By myself.

THE CHAIRMAN. What did they do with you?

MR. DIGIOVANNI. Took me down to the station.

THE CHAIRMAN. Did they put you in the jail?

MR. DIGIOVANNI. Yes, sir.

THE CHAIRMAN. How long did you stay there?

Mr. DiGIOVANNI. I don't know, about 24 hours.

The CHAIRMAN. Then you got out on bond?

Mr. DiGIOVANNI. Yes, sir.

The CHAIRMAN. Then you had a trial later on?

Mr. DiGIOVANNI. Yes, sir.

The CHAIRMAN. Where did you have the trial?

Mr. DiGIOVANNI. Courthouse.

The CHAIRMAN. In the courthouse?

Mr. DiGIOVANNI. Yes, sir.

The CHAIRMAN. Were you convicted?

Mr. DiGIOVANNI. No, sir.

The CHAIRMAN. What happened to the case?

Mr. DiGIOVANNI. Dismissed case.

The CHAIRMAN. The jury dismissed the case?

Mr. DiGIOVANNI. Yes, sir.

The CHAIRMAN. Why did you tell us a little while ago you weren't—

Mr. DiGIOVANNI. Well, I didn't remember.

The CHAIRMAN. We asked you the simple question whether you had been arrested. But here you remember that you have been arrested, that you were put in jail—

Mr. DiGIOVANNI. I didn't remember that time, you see.

The CHAIRMAN. That you were brought into court, tried before a jury, and were dismissed on a charge of murder.

All right, how about the 10th of October 1925. Were you arrested for kidnaping? Kidnaping. Were you?

Mr. DiGIOVANNI. I never have been arrested for kidnaping.

The CHAIRMAN. Kidnaping, taking somebody away.

Mr. DiGIOVANNI. No, sir.

The CHAIRMAN. What was it you were arrested for in 1925?

Mr. DiGIOVANNI. I don't know.

The CHAIRMAN. What else have you been arrested for besides this murder and somebody putting a still on your property?

Mr. DiGIOVANNI. That is all, I guess.

The CHAIRMAN. Is that all? We have the record here and we will stay with it, so you might as well tell us.

Mr. DiGIOVANNI. I don't remember.

The CHAIRMAN. You better remember. You can remember.

Mr. DiGIOVANNI. You have the record.

The CHAIRMAN. You are a smart man and want to admit only what you think we have the record on. Any record that we don't have, we will get. You might as well answer because we will get it.

Mr. DiGIOVANNI. All right, sir.

The CHAIRMAN. Let us stay with the kidnaping. You were arrested in October 1929 for kidnaping, weren't you, and they kept the case open for 4 years before it was finally dismissed?

Mr. DiGIOVANNI. No; that is not true.

The CHAIRMAN. Well, what is the truth about the kidnaping?

Mr. DiGIOVANNI. I don't know nothing about the kidnaping.

The CHAIRMAN. But what were you arrested for in connection with that?

Mr. DiGIOVANNI. I don't know what I was arrested for but I was never arrested for kidnaping.

The CHAIRMAN. You say you were not guilty of kidnaping, but I was asking you whether you were arrested in connection with it.

Mr. DiGIOVANNI. No, sir.

The CHAIRMAN. Right under this murder arrest that you finally admitted to is an arrest, October 10, 1925, October 10, 1925, kidnaper, discharged by the Government.

Mr. DiGIOVANNI. No, no.

The CHAIRMAN. August 19, 1929. Now, tell us about that.

Mr. DiGIOVANNI. I never been arrested for kidnaping.

The CHAIRMAN. What was that case, then, that we are talking about here?

Mr. DiGIOVANNI. I don't know.

The CHAIRMAN. What were you arrested for in 1925?

Mr. DiGIOVANNI. I don't remember I have been arrested in 1925.

The CHAIRMAN. You did not remember you had been arrested for murder, but you finally remembered that; let us remember this other one.

Mr. DiGIOVANNI. I don't remember that.

Mr. HALLEY. Who did you murder?

Mr. DiGIOVANNI. Nobody.

The CHAIRMAN. Who were you charged with murdering?

Mr. DiGIOVANNI. I don't know.

The CHAIRMAN. Who did they have? Who did they claim you murdered? What was the trial about?

Mr. DiGIOVANNI. Some colored girl.

The CHAIRMAN. Some colored girl?

Mr. DiGIOVANNI. Yes.

The CHAIRMAN. What was her name?

Mr. DiGIOVANNI. I don't know.

The CHAIRMAN. Where were you supposed to have murdered her?

Mr. DiGIOVANNI. I don't know where she got murdered.

The CHAIRMAN. How?

Mr. DiGIOVANNI. I don't know.

The CHAIRMAN. What did they charge you with, shooting her, or what?

Mr. DiGIOVANNI. I don't know what they charged on.

The CHAIRMAN. Well, you had a trial, you must remember what the trial was.

Mr. DiGIOVANNI. It has been so long, I forgot about it.

The CHAIRMAN. What about this kidnaping?

Mr. DiGIOVANNI. I don't know a thing about it.

The CHAIRMAN. Do you remember the time you were arrested about it?

Mr. DiGIOVANNI. No, sir.

The CHAIRMAN. Well, the records are here in Kansas City, and I expect we can find it, Mr. DiGIOVANNI. You will save yourself a lot of trouble if you tell us about it.

Mr. DiGIOVANNI. I don't know a thing about it.

The CHAIRMAN. You say no still blew up and caused you any damage?

Mr. DiGIOVANNI. No, sir.

The CHAIRMAN. Are you sure of that?

Mr. DiGIOVANNI. That is right.

Mr. WHITE. How did you receive these injuries which you bear?

Mr. DiGIOVANNI. How did I receive them?

Mr. WHITE. What happened to you?

Mr. DiGIOVANNI. Gas explosion.

Mr. WHITE. Where?

Mr. DiGIOVANNI. Home.

Mr. WHITE. What exploded, the gas underneath the still?

Mr. DiGIOVANNI. Gas meter.

Mr. WHITE. Underneath the still?

Mr. DiGIOVANNI. No, no, no still at all. It was no still there.

Mr. WHITE. What were you doing?

Mr. DiGIOVANNI. This was before prohibition, don't get your still in your mind.

The CHAIRMAN. Mr. DiGiovanni, you report back at 10 o'clock in the morning.

Mr. DiGIOVANNI. I will.

The CHAIRMAN. That is all for tonight.

Mr. HALLEY. Is Mr. Weintraub here?

(No response.)

The CHAIRMAN. The committee will have a short executive session to talk over some matters of procedure for tomorrow. The open session will be adjourned until 9:30 in the morning.

(At 9:50 p. m., a recess was taken until 9:30 a. m., Saturday, September 30, 1950.)

INVESTIGATION OF ORGANIZED CRIME IN INTERSTATE COMMERCE

SATURDAY, SEPTEMBER 30, 1950

UNITED STATES SENATE,
SPECIAL COMMITTEE TO INVESTIGATE
ORGANIZED CRIME IN INTERSTATE COMMERCE,
Kansas City, Mo.

The committee met, pursuant to recess, at 9:30 a. m., in courtroom No. 1, United States Courthouse, Kansas City, Mo., Senator Estes Kefauver (chairman) presiding.

Present: Senator Kefauver.

Also present: Rudolph Halley, chief counsel; Alfred Klein, assistant counsel; George H. White, John N. McCormick, and W. C. Garrett, investigators.

The CHAIRMAN. The committee will come to order.

Will Lieutenants Welch and Nesbitt come around?

Mr. HALLEY. And Lieutenant Raisback; is he here?

The CHAIRMAN. Gentlemen, do you solemnly swear the testimony you give this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. RAISBACK. I do.

Mr. WELCH. I do.

Mr. NESBITT. I do.

The CHAIRMAN. Pull two more chairs around.

TESTIMONY OF CLARENCE S. RAISBACK, CHARLES J. WELCH, AND HARRY NESBITT, DETECTIVE LIEUTENANTS, KANSAS CITY POLICE DEPARTMENT, KANSAS CITY, MO.

Mr. HALLEY. Have we got all of the witnesses' names?

Mr. RAISBACK. Clarence S. Raisback.

Mr. HALLEY. You are a member of the police force of Kansas City?

Mr. RAISBACK. Yes, sir.

Mr. HALLEY. What is your position?

Mr. RAISBACK. Detective lieutenant in charge of the burglary bureau.

Mr. HALLEY. Will you state your name?

Mr. WELCH. Charles J. Welch.

Mr. HALLEY. And your position, please?

Mr. WELCH. I am a lieutenant of detectives assigned to the prosecuting attorney's office.

Mr. NESBITT. Harry Nesbitt.

Mr. HALLEY. Are you also a lieutenant in the police force?

Mr. NESBITT. Yes, sir; in charge of the homicide bureau.

Mr. HALLEY. The committee has been hearing certain testimony relating to the murder of Charles Binaggio and Charles Gargotta and would like to be brought up to date on its record as to the investigation which was made and the findings which resulted from that investigation and the present status of that investigation. Is that something about which you would know, Mr. Nesbitt?

Mr. NESBITT. Yes, sir.

Mr. HALLEY. Would you go ahead and tell the committee just what happened?

Mr. NESBITT. In our investigation on this murder we started bringing in all the associates of Charles Binaggio and Charles Gargotta, and in our investigation we found that both of them were connected with gambling here in Kansas City. We haven't been able to establish the motive yet. It could be several different things. We are still working on the case. It is still open. All our men are assigned to it. We are hoping to get some information so we can solve it.

Mr. HALLEY. Were you able to find any facts whatsoever?

Mr. NESBITT. No, sir.

Mr. HALLEY. Were you able to find out with whom Binaggio was before he was murdered?

The NESBITT. Yes; we found out who he was with.

Mr. HALLEY. What did you find out? Where was he the night of the murder, before he went to his club? Did you ascertain that?

Mr. NESBITT. He was home all evening. He got home about 2:30 in the afternoon. He stayed around the house until about 7:30 in the evening. That is when Nick Penna, his chauffeur, came over and picked him up, and he went down to the gambling club located at Southwest Boulevard and State Line. From there he went to the Democratic Club located at 716 East Fifteenth Street.

Mr. HALLEY. Who went? Just Binaggio and Gargotta?

Mr. NESBITT. Yes.

Mr. HALLEY. Did you ever find out who they met there?

Mr. NESBITT. No.

Mr. HALLEY. Have you ever established the motive for the murder?

Mr. NESBITT. We never have.

Mr. HALLEY. Did you have a considerable force investigating that matter?

Mr. NESBITT. We did.

Mr. HALLEY. How many men did you have on it at one time? Can you state that?

Mr. NESBITT. We have 18 men assigned in the homicide bureau, counting myself. We are always working on it night and day. Besides that, we had several other teams assigned to the detective department in different bureaus working on the case.

Mr. HALLEY. You say you made every effort to get to the solution?

Mr. NESBITT. We did.

Mr. HALLEY. To what would you attribute your inability to solve the murder?

Mr. NESBITT. I don't know what you mean there.

Mr. HALLEY. The murder is unsolved. There are also, as we know, a substantial number of other unsolved murders here in Kansas City. Would you say that there is any basic reason for the inability, not

of any particular individuals but of police work, what appears to be good police work, to solve these murders?

Mr. NESBITT. I think on all these unsolved murders the police did all they could on them.

Mr. HALLEY. Why do they resist solution? Are witnesses intimidated?

Mr. NESBITT. That is right, in some cases. With their feeling that way, you just cannot obtain the information. People are scared to death to give you any information.

Mr. HALLEY. Is that something which has been true for many years?

Mr. NESBITT. That is right.

Mr. HALLEY. Have you considered any steps which might be taken over a period of time in the future to avoid a situation where witnesses will be intimidated in this city and where the gangsters have greater powers over the judicial process than the police?

Mr. NESBITT. The only thing I know is just keep the names of these witnesses secret, keep it away from the papers.

Mr. HALLEY. Is there anything else you wanted on the Binaggio murder?

The CHAIRMAN. Let's put the record of all these unsolved murders in.

You have a hard core of people, a very, very few, who have been imposing on the people of this city, and it is very difficult to get them to talk or to find out just what their activity has been. Isn't that true, Mr. Nesbitt?

Mr. NESBITT. That is right.

Mr. HALLEY. I offer in evidence a list of the unsolved murders between 1940 and 1950.

The CHAIRMAN. That will be made a part of the record at this point.

(The information referred to is identified as exhibit No. 20, and appears in the appendix on p. 417.)

Mr. HALLEY. Which of you gentlemen was in charge of the investigation of the theft of the ballots?

Mr. RAISBACK. I was.

Mr. HALLEY. Could you state the facts relating to that?

Mr. RAISBACK. Yes. About 8:30 a. m. the morning of the 28th of May we received a call that the vault in the election commissioner's office in the courthouse had been broken into and some impounded ballots had been taken from sealed ballot boxes. Chief of Detectives Frank Collins, I, Capt. E. L. Kellerstrasse, and two detectives went to the election commissioner's office, where we found the vault had been forced open and three sealed ballot boxes had been forced open and the ballots taken. All the members of the burglary bureau, which consisted of about 25 people, was assigned to the investigation. We enlisted the cooperation of the sheriff in every way.

At 9:30 the chairman of the election board at the time stopped the investigation to give the FBI time to arrive at the scene and take over the investigation. That afternoon there was a meeting in the office of James Kimball, the prosecuting attorney, and at Mr. Kimball's suggestion and insistence it was decided that the FBI was to take over the direction of the investigation and to spearhead it. It was agreed

that all the reports and all of our investigation activities would be given to the FBI, which was done.

No solution to the burglary has ever been determined. It was later found that the safe had been blown open by the use of an explosive, which was unnecessary to get the door open. It could have been opened very easily without explosives.

Mr. HALLEY. How many men did the FBI have here on the occasion? Did you ever know?

Mr. RAISBACK. I don't know definitely, but I would say 15 or 20.

Mr. HALLEY. Did you turn over to the FBI all the information you had?

Mr. RAISBACK. Yes, sir.

Mr. HALLEY. Prior to that, had there been an investigation by the police department of the vote fraud?

Mr. RAISBACK. Well, these investigations were conducted by the county grand jury of the vote fraud.

Mr. HALLEY. Under the supervision of the district attorney's office?

Mr. RAISBACK. I believe so.

Mr. HALLEY. Did the police department cooperate with the district attorney's office in that?

Mr. RAISBACK. I believe there were officers assigned to the grand jury; yes, sir.

Mr. HALLEY. Do you know whether or not all the information developed at the grand jury was turned over to the FBI?

Mr. RAISBACK. I couldn't say that, Mr. Halley. I don't know. I believe it was. I am not sure.

Mr. HALLEY. And every cooperation was given to the FBI?

Mr. RAISBACK. That is right.

Mr. HALLEY. Do you know the result of their investigation?

Mr. RAISBACK. Well, it has never been solved. They have never informed us or at least they have never informed me of any solution of the case. In fact, I know it has never been solved.

Mr. HALLEY. But from your observation they put a large force of men, and every effort in the case, is that right?

Mr. RAISBACK. Yes, sir.

The CHAIRMAN. Mr. Raisbeck, I understand from Mr. Flavin and Mr. Clifford and others, that the FBI set up offices also in the police department, sort of as headquarters; when they would want anybody, they would instruct you, and you would go out and get them and bring them in for questioning and rendered every possible cooperation and assistance that could be rendered, is that true?

Mr. RAISBACK. That is right.

The CHAIRMAN. Are you still working on the case?

Mr. RAISBACK. Yes, sir.

The CHAIRMAN. I did not understand one thing you said; it was not necessary to dynamite the door, that it could have been opened otherwise. How could it have been opened?

Mr. RAISBACK. It was not a vault door as we understand a vault. What I mean it was just a light steel door with a combination lock, like a safe. It was very light, very flimsy. It is a record cabinet, is what it is, built in there as a record cabinet and not as a vault.

The CHAIRMAN. It could have been pried open with a crow bar?

Mr. RAISBACK. That is right.

The CHAIRMAN. Where was this vault?

Mr. RAISEBECK. In a room on the south side of the courthouse basement, opposite across the hall from the election commissioners.

The CHAIRMAN. That is all.

Mr. HALLEY. Now, Lieutenant Welch, did you investigate the murder of Mr. Riman?

Mr. WELCH. Yes; I did.

Mr. HALLEY. Will you state the facts about that case and about the investigation to the committee?

Mr. WELCH. At approximately 2:40 p. m. on March 24, the police department received a call to go to Fourteenth and Chestnut, to make an investigation of a shooting. The Homicide Bureau went in on that call. I was with the men and on our arrival at Fourteenth and Chestnut, we saw Mr. Riman's car parked headed south on the northwest corner of Fourteenth and Chestnut. He apparently had attempted to enter his car. The east door, on the driver's side, rather, was open, and he was lying face down on the cushion of the car, his feet barely touching the pavement. From later investigation we determined that he had been shot five times, and was apparently dead at that time.

During our investigation there we learned that Mr. Riman had delivered a chair to the A. J. Stevens Co., which is located just across the street from where his car was parked and on the northeast corner, and after delivering this chair, he came back out of the Stevens Co. and entered his car.

Mr. Stevens later learned that Mr. Riman had been in the office, had one of his employees to call to Mr. Riman, have him come back in. He came back into the office, and had a short discussion with Mr. Stevens, and then left the building, and at approximately 5 minutes to 7 minutes after he left the building, there was shots heard.

During our investigation we located witnesses that observed the killers' car coming east on Fourteenth Street and make a left-hand turn north into Chestnut Street, and the car never stopped. There were two men in the rear seat of the car, one in the front seat driving. There was a shot fired from the killers' car in the direction of Mr. Riman's car, and in our opinion that first shot hit the windshield of Mr. Riman's car. The man on the left or west side of this killer car got out, went over to Mr. Riman, who was getting into his car, and fired several shots into his body.

From the witnesses' story, the second man in the rear seat of the killer car got out and stood behind the Ford, stood behind the killer car, and then later had to run to get in the car after the shooting was all over with.

The car went at a rapid rate of speed to the north, and a witness in the A. J. Stevens Co., as well as the Peterson Co. across the street, observed this shooting, and got the license number to the car, which was I believe 399154, Missouri '48 license.

A broadcast was immediately put out for the pickup on this automobile and at the same time a check was made with Jefferson City to determine who the car belonged to. We had the information back in a few minutes that the car, that the license and title to the car belonged to a man by the name of Lee Harris, and gave an address of 127½ West Twelfth Street.

There was investigators immediately sent to this address, found that it was a union hall, and we were unable to get any information there on Lee Harris. No one knew him.

Other places on Twelfth Street were also checked with no success. The car in question, the killers' car, was found by the police at 26—in front of 2607, I believe it was, Smart. That is a vacant lot, however.

After I learned that the killers' car had been located I in company with two other officers went up there to where the car was at and we called the laboratory crew, had them come up and because it was a little windy they were unable to process the car at that place, and I ordered it sent to our police garage, where the car was processed for possible finger prints and searched, and in that search there was two gun cases found concealed in the car, one of them under the footrest in the back seat, and which would hold possibly three to four side-arms. This case was lined with red leather. It appeared to be very new. In the backrest of the back seat, there was found another gun case. That was large enough to hold a machine gun or sawed off shotguns. This was welded to the springs of the car of the back seat, and it was also lined with red leather.

Pictures of these two gun cases were made, and also in that car we found a siren, the button of which was concealed in the ash tray opposite side from the driver, and the siren itself was concealed under the hood and placed in such a position under the brackets that it would have been hard to observe the siren by just raising the hood and looking in there.

The manufacturer of the siren was contacted, as well as the manufacturers of the switch that was used to operate the siren, and we were not able to get any information as to who could have purchased that, or what retailer it might have come from.

There were pictures taken of that, and also pictures taken of the gun cases, and we had an expert come in and look at the gun cases, and in his opinion they were manufactured by somebody that was a tradesman. Pictures of these gun cases were sent to various police departments, quite a number of them over the country, with a letter, résumé of the crime, and requesting their assistance to help to locate anyone that had anything to do with the manufacture of them.

The CHAIRMAN. Mr. Welch, this is very, very interesting, but let us not go into too much detail, because the main thing we want to show is that you have done your best to try to solve this gang shooting, and that you still are working on it. Just the nature of the thing that took place.

Mr. WELCH. Every available man in the detective division was placed on that case and made the investigation of it. The attorney general's office took over the investigation, spearheaded it, and we co-operated with them 100 percent, got all of the reports from the sheriff's office and from the prosecuting attorney's office, who helped in the investigation, and everything possible was done.

Mr. HALLEY. Where was the car registered? Where did the records show the car was registered?

Mr. WELCH. Registered at Jefferson City, Mo.

Mr. HALLEY. And on Riman's car, was there a siren also? You said there was a siren on the murder car.

Mr. WELCH. That is right.

Mr. HALLEY. Did Riman's car also have a siren?

Mr. WELCH. Yes.

Mr. HALLEY. Did it have a red sheriff's light?

Mr. WELCH. Yes, sir.

Mr. HALLEY. Do you know whether or not Riman was a deputy sheriff?

Mr. WELCH. It is my understanding he was a deputy sheriff, held a commission as a deputy sheriff.

Mr. HALLEY. In Jackson County?

Mr. WELCH. In Jackson County.

Mr. HALLEY. Did you have as one of your suspects Roy Arms, Roy Tony Arms, who was killed last week in Illinois?

Mr. WELCH. Not to my knowledge, not during the time that I had charge of that bureau.

Mr. HALLEY. Thank you.

The CHAIRMAN. What did he say the address was that the car was registered?

Mr. WELCH. 127½ West Twelfth Street.

The CHAIRMAN. 127½ West Twelfth Street?

Mr. WELCH. Yes.

The CHAIRMAN. As I recall, did not Mr. Spitz testify that his place was 127 West Twelfth Street?

Mr. WELCH. That is right, right under the union hall.

The CHAIRMAN. Did the registration look like the "½" had been added afterward?

Mr. WELCH. Yes; it did. There was two different handwritings on the registration when he applied for the license here at Kansas City, Mo.

The CHAIRMAN. You mean one handwriting "127 West Twelfth Street," and then the "½" was added in another handwriting?

Mr. WELCH. No; the way I understand it, there was part of that application made out by one of the clerks at the registration office, and the purchaser of the license, Lee Harris, signed his name to it, to that part of it.

The CHAIRMAN. Where was Mr. Spitz found to have been at that time?

Mr. WELCH. I can't recall that. He was contacted, talked to, and furnished an alibi.

The CHAIRMAN. Gentlemen, I want to ask all of you, our impression and feeling is that you have a conscientious, efficient, hard-working chief of police in Chief Johnson, and other officials of the police department, police commissioners, who urge you and encourage you to enforce the law and to solve these murders and other criminal activities that take place.

Mr. WELCH. Yes, sir; at all times.

Mr. RAISBECK. Yes, sir.

Mr. NESBITT. Yes.

The CHAIRMAN. You have a good spirit in the police department, and complete backing by your superiors.

Mr. WELCH. Yes.

Mr. RAISBECK. Yes.

Mr. NESBITT. Yes.

The CHAIRMAN. No punches have been pulled anywhere.

Mr. WELCH. No.

The CHAIRMAN. I suppose you may be like a good many other police departments; you may need more manpower to do your job. I have observed that some of these fellows seem to work overtime a good deal.

Mr. WELCH. Yes, sir.

The CHAIRMAN. Is it the general feeling that you do need more manpower?

Mr. RAISBECK. Yes; it is, Senator; it is a fact.

The CHAIRMAN. There is a scientific formula about the number of officers a city should have in proportion to its population. Do you know what that is?

Mr. NESBITT. One to every 666 persons.

The CHAIRMAN. One to every 666?

Mr. NESBITT. Yes.

The CHAIRMAN. How does Kansas City compare in comparison with that formula, do you know?

Mr. NESBITT. We are short about 70 men.

The CHAIRMAN. Short about 70 men.

Mr. NESBITT. Yes.

Mr. RAISBECK. Under the statute, there is a limit regulated by the statutes.

Mr. NESBITT. You mean you have a statutory amount that you are limited to and you are short about 70 men?

Mr. RAISBECK. It is set up according to the population, but I don't recall just what it is.

The CHAIRMAN. Why is that? Is that lack of appropriation or lack of money, or what?

Mr. RAISBECK. I think mainly several of the men have been called back into the Reserves as Reserve officers and soldiers. They have been called to service. A lot of them have quit to take higher paid jobs, mostly. They start them out at such a low pay they just can't get the men. They have to advertise in the papers sometimes to hire policemen.

The CHAIRMAN. You mean you have advertised here in the papers?

Mr. RAISBECK. Yes, sir.

The CHAIRMAN. To hire policemen?

Mr. RAISBECK. Yes.

The CHAIRMAN. Because the salary schedule is not sufficient to attract all of the people you want?

Mr. RAISBECK. That is right.

The CHAIRMAN. Thank you very much, gentlemen.

I think the committee can conscientiously say that there will be no punches pulled insofar as you gentlemen of the city police department are concerned.

All right, Mr. Halley.

Mr. HALLEY. Mr. Weintraub is in court now.

The CHAIRMAN. Mr. Weintraub, will you come around now.

Mr. Weintraub, do you solemnly swear the testimony you will give the committee will be the whole truth and nothing but the truth, so help you God?

Mr. WEINTRAUB. Yes, sir.

TESTIMONY OF LOUIS J. WEINTRAUB, KANSAS CITY, MO.

Mr. HALLEY. What is your full name, Mr. Weintraub?

Mr. WEINTRAUB. Louis J. Weintraub.

Mr. HALLEY. What is your address?

The CHAIRMAN. Mr. Weintraub, will you speak a little louder, please.

Mr. HALLEY. Your business address?

Mr. WEINTRAUB. 817 East Eighteenth Street.

Mr. HALLEY. What business are you in?

Mr. WEINTRAUB. In the baking business.

Mr. HALLEY. What is the name of your company?

Mr. WEINTRAUB. Weintraub Baking Co.

Mr. HALLEY. You sell bread to various stores in Kansas City?

Mr. WEINTRAUB. Yes, sir.

Mr. HALLEY. About a year or a year and a half ago did one of your drivers named Yost—

Mr. WEINTRAUB. Yes, sir.

Mr. HALLEY. Come to you and tell you he couldn't sell bread at a particular grocery store located on Warnell Road?

Mr. WEINTRAUB. Yes, sir.

Mr. HALLEY. Was that the Hen House Grocery?

Mr. WEINTRAUB. I don't remember whether it was the Hen House or some other ones. He named several of them.

Mr. HALLEY. What did he tell you?

Mr. WEINTRAUB. He couldn't sell them because we could not give him any protection and somebody else was giving him protection.

Mr. HALLEY. Was it the Roma Bakery that was giving them protection?

Mr. WEINTRAUB. I couldn't say exactly who they were because that is all he told me, that is all Yost told me. He didn't mention any particular names.

Mr. HALLEY. At that time you found you just couldn't sell bread at those places, is that right?

Mr. WEINTRAUB. Yes, sir.

Mr. HALLEY. Then was there another incident shortly after that in Kansas City, Kans.?

Mr. WEINTRAUB. Yes, sir.

Mr. HALLEY. Was that in connection with one of your salesmen?

Mr. WEINTRAUB. Yes, sir.

Mr. HALLEY. A man named Nate Keller?

Mr. WEINTRAUB. Yes, sir.

Mr. HALLEY. What happened there?

Mr. WEINTRAUB. He got into a fight with some Roma driver on the Kansas side. He didn't want to get into any fights. However, there was fighting done. I didn't hear any more out of it.

Mr. HALLEY. He came to you and said that the Roma people had started an argument, isn't that right?

Mr. WEINTRAUB. That is right, one of the men.

Mr. HALLEY. They made some excuse to pick a fight with him, is that right?

Mr. WEINTRAUB. Yes, sir.

Mr. HALLEY. You advised him not to fight.

Mr. WEINTRAUB. Not to fight, just leave things alone.

Mr. HALLEY. You said keep away from that store for a while, is that right?

Mr. WEINTRAUB. Yes. I told him just don't bother with it.

Mr. HALLEY. Then you went and complained to the United States marshal, is that right?

Mr. WEINTRAUB. Yes. I made a complaint.

Mr. HALLEY. You told him that your men were being threatened and you couldn't sell your bread, is that right?

Mr. WEINTRAUB. Yes, sir.

Mr. HALLEY. He said he would take some action, is that right?

Mr. WEINTRAUB. He didn't give me no answer what he would do. He listened to the complaint.

Mr. HALLEY. Some short time afterward you found that they stayed away from you, is that right?

Mr. WEINTRAUB. Well, I wasn't bothered. We served the regular places.

Mr. HALLEY. You went back and served your old shops, is that right?

Mr. WEINTRAUB. Yes, sir.

Mr. HALLEY. Did the United States marshal urge you to come in here and tell this story?

Mr. WEINTRAUB. Yes. He asked me to come in here.

Mr. HALLEY. You are here as a result of his bringing you here and asking you to come and tell the story?

Mr. WEINTRAUB. Yes, sir.

The CHAIRMAN. Mr. Weintraub, as I understand, you had been selling bread to the Hen House and to several other places in a certain neighborhood.

Mr. WEINTRAUB. Yes, sir.

The CHAIRMAN. They had been old customers of yours?

Mr. WEINTRAUB. Yes; they are.

The CHAIRMAN. Some time back when your salesman went there he was informed that several of those places couldn't continue buying bread from him because you couldn't furnish him any protection, is that the idea?

Mr. WEINTRAUB. Whatever this salesman told me; yes.

The CHAIRMAN. How many places was that where you were denied sales to your old customers?

Mr. WEINTRAUB. Just a few of them.

The CHAIRMAN. Four or five or how many?

Mr. WEINTRAUB. Maybe about three.

The CHAIRMAN. About three. The information you got was that Roma had taken over your business?

Mr. WEINTRAUB. I don't think they had taken over. I don't know.

The CHAIRMAN. Anyway, after you brought the matter to Mr. Canfield's attention and something was done about it, you got your old customers back?

Mr. WEINTRAUB. About 6 months later.

The CHAIRMAN. How long ago has this incident been?

Mr. WEINTRAUB. It has been quite a while.

Mr. HALLEY. About a year or a year and a half?

Mr. WEINTRAUB. About a year, I expect.

The CHAIRMAN. Who is this Roma Bakery that we are talking about?

Mr. WEINTRAUB. A competitor. That is all I know.

The CHAIRMAN. Who runs it?

Mr. WEINTRAUB. Really, I don't know. I haven't any business with them or any doings with them.

The CHAIRMAN. What does our investigation show as to who the Roma Bakery is?

Mr. HALLEY. Two of the people on the Mafia alleged membership list.

The CHAIRMAN. What are their names?

Mr. HALLEY. Joseph Filardo and Joseph Cusumano. You don't know those people, of course?

Mr. WEINTRAUB. No.

The CHAIRMAN. That is all.

Mr. HALLEY. The committee also has information that Impostato has worked for and hung around that bakery.

The CHAIRMAN. Is that Nicolo Impostato?

Mr. HALLEY. Yes.

The CHAIRMAN. That is all. Thank you, Mr. Weintraub.

Who is next?

Mr. HALLEY. Balestrere, please; James Balestrere.

The CHAIRMAN. Mr. Balestrere, do you solemnly swear the testimony you will give this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BALESTRERE. Yes, sir.

TESTIMONY OF JAMES BALESTRERE, KANSAS CITY, MO.

Mr. HALLEY. What is your full name and your address?

Mr. BALESTRERE. Home?

Mr. HALLEY. What is your name?

Mr. BALESTRERE. Balestrere, James Balestrere.

Mr. HALLEY. And your home address?

Mr. BALESTRERE. 5421 Brooklyn.

Mr. HALLEY. What business are you in?

Mr. BALESTRERE. No business at all.

Mr. HALLEY. When were you last in a business?

Mr. BALESTRERE. The last time I was in a business, I don't remember, but it has been quite a while back.

The CHAIRMAN. Speak louder, Mr. Balestrere.

Mr. BALESTRERE. I don't remember the last time I was in business of my own.

Mr. HALLEY. What was your business when you had one?

Mr. BALESTRERE. What was my business? I have been in the grocery business, I have been in the drug-store business. I was in the sugar business, a lot of business.

Mr. HALLEY. Would you say it was 20 years since you were last in business?

Mr. BALESTRERE. Well, I don't remember.

Mr. HALLEY. Would it be about 20 years, do you think, or 10 years?

Mr. BALESTRERE. No; I really don't remember.

Mr. HALLEY. Were you in business when the war started in 1942?

Mr. BALESTRERE. Was I in business when the war started?

Mr. HALLEY. Yes.

Mr. BALESTRERE. I think I was working then for me.

Mr. HALLEY. You were working for yourself?

Mr. BALESTRERE. Yes.

Mr. HALLEY. In what business?

Mr. BALESTRERE. Building buildings.

Mr. HALLEY. You were building a structure?

Mr. BALESTRERE. No; I wasn't building—I was building a storeroom.

Mr. HALLEY. A storeroom where?

Mr. BALESTRERE. 8051 Fuller Road.

Mr. HALLEY. Do you still own that building?

Mr. BALESTRERE. Yes.

Mr. HALLEY. What do you store there?

Mr. BALESTRERE. Nothing at all right now.

Mr. HALLEY. What did you ever store there?

Mr. BALESTRERE. It was sometimes a cafe, sometimes a restaurant, but I didn't run it.

Mr. HALLEY. What was the name of it? Was that a place called the White House?

Mr. BALESTRERE. Yes, sir.

Mr. HALLEY. Did you build that building?

Mr. BALESTRERE. Yes, sir.

Mr. HALLEY. Do you own the land it is on?

Mr. BALESTRERE. No.

Mr. HALLEY. You rent the land?

Mr. BALESTRERE. No; the land belonged to my daughter.

Mr. HALLEY. Belongs to your daughter.

Mr. BALESTRERE. Yes. My daughter's husband's people for a long time.

Mr. HALLEY. What is your daughter's name?

Mr. BALESTRERE. Katie Musso.

Mr. HALLEY. Katie Caramusu?

Mr. BALESTRERE. Musso.

Mr. HALLEY. Is it her land?

Mr. BALESTRERE. Yes.

Mr. HALLEY. She got it from her husband's people?

Mr. BALESTRERE. Yes; her husband had that.

Mr. HALLEY. Do you pay rent for the land?

Mr. BALESTRERE. No.

Mr. HALLEY. But you put the building up on the land?

Mr. BALESTRERE. I put the building in there. I wasn't doing anything, so we were talking about home and that is my trade, you see. She said, "Papa, why don't you put a building there and put some kind of restaurant in there." So I went on and did it.

Mr. HALLEY. What is your trade, the building trade or the restaurant?

Mr. BALESTRERE. No; I am a stonemason by trade.

Mr. HALLEY. When did you finish that building?

Mr. BALESTRERE. Oh, I don't remember that—1940, 1942, somewhere around there. I don't remember.

Mr. HALLEY. Before you built that building when did you last work, before you built the White House?

Mr. BALESTRERE. I don't remember that.

Mr. HALLEY. Was it 5 years before that?

Mr. BALESTRERE. I don't remember that.

Mr. HALLEY. Ten years?

Mr. BALESTRERE. I don't remember.

Mr. HALLEY. Was it a year? You must have some recollection of when you last worked.

Mr. BALESTRERE. The last World War—well, I told you I was building. Before that what I was doing?

Mr. HALLEY. Yes.

Mr. BALESTRERE. Before that, in 1939 I was in the gambling business.

Mr. HALLEY. You were in the gambling business?

Mr. BALESTRERE. Yes. I used to be in what is called the keno game at Thirty-first and Troost with the Eddy boys. I had a little end in that. Since then——

Mr. HALLEY. What else did you do in 1939?

Mr. BALESTRERE. Nothing else, I think. I don't remember.

Mr. HALLEY. What other partners did you have in that gambling game? How long were you in that keno game?

Mr. BALESTRERE. I couldn't remember that, how many years I run.

Mr. HALLEY. It was a matter of some years, is that right?

Mr. BALESTRERE. Seven.

Mr. HALLEY. Seven?

Mr. BALESTRERE. No; I don't remember how many years.

Mr. HALLEY. But it was more than just a few days?

Mr. BALESTRERE. Oh, it was more than that, it certainly was.

Mr. HALLEY. Did you make a lot of money in that business?

Mr. BALESTRERE. I was making, I think, around \$900 a month.

Mr. HALLEY. About \$900 a month?

Mr. BALESTRERE. Around that.

Mr. HALLEY. Your own share. At that time did you have any other business?

Mr. BALESTRERE. I don't believe so.

Mr. HALLEY. Before the keno business, what did you do?

Mr. BALESTRERE. Before the keno business I don't remember if I was working. I believe I was working with my people. They are all bricklayers and do that even today. I think I was working, and I had a little money put away. I had a home and so I take it easy. Just me and my wife.

Mr. HALLEY. You have a home which you built yourself?

Mr. BALESTRERE. Yes.

Mr. HALLEY. When did you build your own home?

Mr. BALESTRERE. When I built that, oh, that has been a little over 22 years ago; about 22.

Mr. HALLEY. What business were you in during prohibition?

Mr. BALESTRERE. Prohibition; in the sugar business.

Mr. HALLEY. You sold sugar to bootleggers?

Mr. BALESTRERE. Yes, I did.

Mr. HALLEY. Was that a profitable business?

Mr. BALESTRERE. It was.

Mr. HALLEY. That is how you got a little money to put away?

Mr. BALESTRERE. Yes; I put a little money away, but I was in the business before that.

Mr. HALLEY. Where did you keep your money when you put it away, in a bank or in a box in the house?

Mr. BALESTRERE. No, no; I keep it in the bank.

Mr. HALLEY. What bank?

Mr. BALESTRERE. I was doing business with Columbia National Bank.

Mr. HALLEY. You kept your money in the Columbia National Bank.

Mr. BALESTRERE. Yes, sir.

Mr. HALLEY. In your own name?

Mr. BALESTRERE. Yes; my name and my wife's name.

Mr. HALLEY. In any other name?

Mr. BALESTRERE. No.

Mr. HALLEY. Did you ever keep any cash around the house?

Mr. BALESTRERE. Not much.

Mr. HALLEY. More than \$100?

Mr. BALESTRERE. Well, that is up to my wife. That is woman's work.

Mr. HALLEY. You personally didn't keep any large amounts of cash?

Mr. BALESTRERE. No; not at home; no.

Mr. HALLEY. Did you ever——

Mr. BALESTRERE. What I had put in the bank.

Mr. HALLEY. Did you ever have a safe-deposit box?

Mr. BALESTRERE. Yes.

Mr. HALLEY. In what bank?

Mr. BALESTRERE. In Columbia National Bank.

Mr. HALLEY. Do you still have that?

Mr. BALESTRERE. No, sir.

Mr. HALLEY. When did you last have a safe-deposit box?

Mr. BALESTRERE. I don't remember when was the last time I had a safe-deposit box down there.

Mr. HALLEY. Did you know John Lazia?

Mr. BALESTRERE. Yes, sir.

Mr. HALLEY. Was he a good friend of yours?

Mr. BALESTRERE. Well, yes and no.

Mr. HALLEY. What do you mean by that, Mr. Balestrere?

Mr. BALESTRERE. I didn't know John well enough to talk to him. I used to know him because I used to know the old people, mother and father. At that time I was at Fifth and Troost. Around there we had a little club of our own between ourselves and then Lazia came out with the big club.

Mr. HALLEY. The North Side Club?

Mr. BALESTRERE. Yes.

Mr. HALLEY. Go ahead.

Mr. BALESTRERE. So he didn't. He come and talk to us, and we didn't want to join. So we had a talk with the boss here them days, and he says, "Well, go ahead and join." So I didn't want to go down there because we had our own, and we was about 300 or 400, 500, around Fifth and Troost them days. We didn't want to join nobody. So we joined with them. That is the way I got to know John Lazia before I used to know him.

Mr. HALLEY. You joined his North Side Club?

Mr. BALESTRERE. We all joined, not only me. We all joined.

Mr. HALLEY. I understand. What club did you have before that?

Mr. BALESTRERE. Well, I told you, a little club, it was no name, it was supposed to be a Pendergast club.

Mr. HALLEY. What?

Mr. BALESTRERE. Pendergast Club, up at Fifth and Troost. We all used to belong to Pendergast.

Mr. HALLEY. I see. It was a political club?

Mr. BALESTRERE. Well, political club, I belong North Side for good many years.

Mr. HALLEY. You have been active in politics for many years?

Mr. BALESTRERE. No, sir; not since 1939.

Mr. HALLEY. How old are you, Mr. Balestrere?

Mr. BALESTRERE. I born 1891.

Mr. HALLEY. You were born in 1891?

Mr. BALESTRERE. Yes, sir.

Mr. HALLEY. You are 59 years old?

Mr. BALESTRERE. Yes, sir.

Mr. HALLEY. Where were you born?

Mr. BALESTRERE. I was born in little town named Baggadio.

Mr. HALLEY. Baggadio?

Mr. BALESTRERE. Yes.

Mr. HALLEY. Is that in Sicily?

Mr. BALESTRERE. Yes.

Mr. HALLEY. And when did you come to this country?

Mr. BALESTRERE. Well, that is something I don't remember but I give you the age when I got here, and you figure out for yourself.

Mr. HALLEY. Please do.

Mr. BALESTRERE. I was around, well, when I got here I was around 14. Now I am 59.

Mr. HALLEY. Did you come with your parents?

Mr. BALESTRERE. No.

Mr. HALLEY. You came alone?

Mr. BALESTRERE. Now, just a minute, give me time. I will explain.

Mr. HALLEY. Take your time and explain it.

Mr. BALESTRERE. My father already was here, not in Kansas City, though. He was in Milwaukee, Wis. So them days before you come here, under age, you have to have somebody be your guardian, what you call.

Mr. HALLEY. A guardian.

Mr. BALESTRERE. That is it. So another fellow brought me over here to my father.

Mr. HALLEY. Who brought you here, do you remember?

Mr. BALESTRERE. No, I don't.

Mr. HALLEY. You went right to Milwaukee?

Mr. BALESTRERE. Yes, sir.

Mr. HALLEY. And how long did you stay in Milwaukee?

Mr. BALESTRERE. Well, I stay in Milwaukee about around 3 years, I guess, maybe a little more. I don't remember.

Mr. HALLEY. And then you came to Kansas City?

Mr. BALESTRERE. In 1906.

Mr. HALLEY. Did you come with your father?

Mr. BALESTRERE. No, no. My sister was already here, one of my sisters. My brother-in-law, he was contractor here, stonemason, building foundation here, and my mother had come here because my sister was going to have a baby, and so when they come back, she like Kansas City better than Milwaukee, so we come here.

Mr. HALLEY. Your father stayed in Milwaukee?

Mr. BALESTRERE. No, no, we all come here.

Mr. HALLEY. He came here, too.

Mr. BALESTRERE. Yes.

Mr. HALLEY. And you have lived here ever since?

Mr. BALESTRERE. Yes, sir, since 1908.

Mr. HALLEY. You then became a stonemason, is that right?

Mr. BALESTRERE. No, already was working in the trade in old country. I mean learning the trade under different fellow.

Mr. HALLEY. When did you become a citizen?

Mr. BALESTRERE. Here?

Mr. HALLEY. Yes.

Mr. BALESTRERE. Oh, I imagine it was around 1923 or 1922, around there, I don't remember, but around at between 1923, 1922, around there.

Mr. HALLEY. Around that time did you join the political club that you are talking about?

Mr. BALESTRERE. No, no, sir.

Mr. HALLEY. When did you join?

Mr. BALESTRERE. I was working.

Mr. HALLEY. When did you join the political club that you had?

Mr. BALESTRERE. Like I tell you, I don't remember. I think it was 1926 or 1928, but we already had our own club, we was about 400 or 500.

Mr. HALLEY. When did you join your own club? I am trying to find out a little bit about your own club.

Mr. BALESTRERE. Well, I don't remember that.

Mr. HALLEY. It was before 1926; in 1926 or 1928 you joined Lazia's club.

Mr. BALESTRERE. Somewhere around 1926 or 1928, sometime around there when they organized the North Side Club.

Mr. HALLEY. I think if we speak a little slower, we will understand better and get the facts. In 1926 or 1928, that is when you joined John Lazia's club, is that right?

Mr. BALESTRERE. Whole bunch joined.

Mr. HALLEY. The whole bunch.

Mr. BALESTRERE. All little club, we had our own.

Mr. HALLEY. How long were you in your own little club before that?

Mr. BALESTRERE. Oh, well, when I got started working, I guess, when I was age to vote.

Mr. HALLEY. About 1920.

Mr. BALESTRERE. I don't remember that.

Mr. HALLEY. If you were born in 1891; you would be able to vote in 1914, 1912.

Mr. BALESTRERE. I have been here since 1908, I was not 21.

Mr. HALLEY. But you could not vote until you get to be a citizen, I hope.

Mr. BALESTRERE. Them days they used to vote with it after citizenship paper. They let you vote then, city vote here. They used to let you vote with it after citizen paper.

Mr. HALLEY. With your first papers?

Mr. BALESTRERE. Yes; if I remember right, I think that is the way it was.

Mr. HALLEY. So you voted right on through.

Mr. BALESTRERE. Until my after paper.

Mr. HALLEY. Who belonged to this little club of yours?

Mr. BALESTRERE. Oh, it was a bunch of people them days, old people, they were here for years, got little club, we had around Fifth and Troost.

Mr. HALLEY. Who was the head of it? Were you the head at any time?

Mr. BALESTRERE. An old man named Presta. He died, old man Presta, he is the one that practically organized it, the little club.

Mr. HALLEY. And was Carramusa in that club?

Mr. BALESTRERE. Who?

Mr. HALLEY. Carramusa.

Mr. BALESTRERE. You mean, which one Caramussa you mean?

Mr. HALLEY. The old one, Frank.

Mr. BALESTRERE. Well, Frank, no.

Mr. HALLEY. Carl?

Mr. BALESTRERE. No.

Mr. HALLEY. He was just a boy.

Mr. BALESTRERE. No.

Mr. HALLEY. What Carramusa was in the club?

Mr. BALESTRERE. Wasn't no Carramusa in the club as I remember.

Mr. HALLEY. No. Carramusa at all?

Mr. BALESTRERE. No.

Mr. HALLEY. Did you know the policeman, Louis Olivero?

Mr. BALESTRERE. Yes.

Mr. HALLEY. Was he in that club?

Mr. BALESTRERE. No, no.

Mr. HALLEY. Well, let us see——

Mr. BALESTRERE. I don't remember.

Mr. HALLEY. Who was. Did you know Pietro Agnella?

Mr. BALESTRERE. Pietro Agnella, Kansas City?

Mr. HALLEY. Yes.

Mr. BALESTRERE. Pietro Agnella.

Mr. HALLEY. Was he in that club? He lived on East Fifth Street.

Mr. BALESTRERE. I don't remember that name.

Mr. HALLEY. Was Joe DiGiovanni in it?

Mr. BALESTRERE. Yes.

Mr. HALLEY. In the old club?

Mr. BALESTRERE. No, no.

Mr. HALLEY. Not in the old club?

Mr. BALESTRERE. In the old club, no.

Mr. HALLEY. I am trying to find out who was in the old club. Was Carollo, Dominic Carollo in it?

Mr. BALESTRERE. No.

Mr. HALLEY. He was in the grocery business.

Mr. BALESTRERE. No.

Mr. HALLEY. You say you were a stonemason by trade?

Mr. BALESTRERE. Yes.

Mr. HALLEY. But you owned a grocery store? Is that right?

Mr. BALESTRERE. Yes.

Mr. HALLEY. When did you have the grocery store?

Mr. BALESTRERE. That has been quite a while back, Mr. Halley. I don't remember, but that has been 34 years ago, maybe a little better. I don't remember that.

Mr. HALLEY. Around 1916.

Mr. BALESTRERE. Well, around that, I don't remember right the year I was in the grocery-store business. It has been quite a while.

Mr. HALLEY. Were you in the first war?

Mr. BALESTRERE. No, sir, but I did—reason I didn't go, because I had two children.

Mr. HALLEY. That is all right; we are not going into that. What were you doing during the first war? What business were you in?

Mr. BALESTRERE. In the grocery business.

Mr. HALLEY. You were in the grocery business then?

Mr. BALESTRERE. Yes.

Mr. HALLEY. How long did you stay in it?

Mr. BALESTRERE. I stayed in it quite a while.

Mr. HALLEY. Where was the grocery store?

Mr. BALESTRERE. It was in an old building. I was in Beverly Holler.

Mr. HALLEY. Beverly?

Mr. BALESTRERE. Beverly Holler, all colored people there.

Mr. HALLEY. Then you went into the drugstore business.

Mr. BALESTRERE. Yes.

Mr. HALLEY. When did you go into that?

Mr. BALESTRERE. I don't know; just a minute, Mr. Halley, please. When I left the grocery business, I went in the saloon business.

Mr. HALLEY. What year was that.

Mr. BALESTRERE. Well, that is before the war.

Mr. HALLEY. Before the war?

Mr. BALESTRERE. Yes, when the war—no, before the prohibition. Then the prohibition we close up. That is when I had a saloon. I had a saloon at Fifth and Lydia.

Mr. HALLEY. Lydia Avenue?

Mr. BALESTRERE. Yes.

Mr. HALLEY. Right up to prohibition time.

Mr. BALESTRERE. Yes, until prohibition come; we close.

Mr. HALLEY. Then you closed.

Mr. BALESTRERE. Yes.

Mr. HALLEY. And is that when you went into the sugar business?

Mr. BALESTRERE. No. I went in the drugstore business after that, if I remember right.

Mr. HALLEY. I suppose you carried a lot of alcoholic spirits in your drugstore?

Mr. BALESTRERE. Yes; we did. We carry everything.

Mr. HALLEY. That was profitable in those days; wasn't it?

Mr. BALESTRERE. No, sir; you get doctor prescription. They give people that want them. That is the way we had it at the drugstore.

Mr. HALLEY. And how long did you have the drugstore?

Mr. BALESTRERE. I don't remember how many years it was.

Mr. HALLEY. When did you go into the sugar business?

Mr. BALESTRERE. Well, at the time that prohibition—

Mr. HALLEY. During prohibition?

Mr. BALESTRERE. Certainly.

Mr. HALLEY. Did you have the drugstore while you were in the sugar business?

MR. BALESTRERE. No; that is when I sold the drug store to Mr. Presta, which is, he does own the building; he is dead—the boys, the kids, have got the building then. I sold him the drug store, and I went in the sugar business by myself.

MR. HALLEY. During prohibition?

MR. BALESTRERE. Me and my nephew.

MR. HALLEY. That would be sometime between when prohibition started and when it ended.

MR. BALESTRERE. Well, Mr. Halley, maybe you are right. I don't remember all of them things.

MR. HALLEY. How long were you in the sugar business; how many years?

MR. BALESTRERE. Quite a while.

MR. HALLEY. And that is where you made——

MR. BALESTRERE. Made a little money.

MR. HALLEY. A little money.

MR. BALESTRERE. Yes.

MR. HALLEY. How much money would you say you were worth when prohibition ended?

MR. BALESTRERE. How much money I had then?

MR. HALLEY. Yes.

MR. BALESTRERE. I don't remember that, Mr. Halley, how much money I did have then.

MR. HALLEY. Did you have \$50,000?

MR. BALESTRERE. No, no.

MR. HALLEY. Nothing like that?

MR. BALESTRERE. No; I had a family to feed then. I could not have all of that money.

MR. HALLEY. How much money did you make in the sugar business?

MR. BALESTRERE. Well, I don't remember how long the sugar business lasted, but I was making from some months \$800, sometimes \$900, sometimes a thousand dollars.

MR. HALLEY. In the sugar business?

MR. BALESTRERE. Certainly.

MR. HALLEY. Then you went out of the sugar business, and what did you do after that until you went into this keno game?

MR. BALESTRERE. I went in the keno game because I was put in.

MR. HALLEY. Who put you in there?

MR. BALESTRERE. Just a minute, please. I went to see the boss politician here. I was working for him for years, so far as voting is concerned.

MR. HALLEY. Who was that?

MR. BALESTRERE. Mr. Pendergast.

MR. HALLEY. Tom Pendergast?

MR. BALESTRERE. Yes. And I asked him if he had anything to do for me. He says, "Be back in a few minutes." Well, I went back in a week or so and he said, "What do you want to do? You want to go to work or you want to go some place so you make a little money?" "Well," I said, "what kind of job?" He says, "I will put in a sewer, building a sewers." That is my trade, bricklayer. I said, "How much you pay?" He said, "\$9 a day or \$8," what it was. And then he spoke about this here keno situation. He says, "You go see Eddy's boys and talk to them." I went up and see them; so I talked to them and I said, "So-and-so send me here." So, I got in with them.

Mr. HALLEY. Did you pay any money to get into the keno?

Mr. BALESTRERE. No; no, Mr. Halley; no. He said it was already up.

Mr. HALLEY. Did you do any work in the keno or did you just get paid your money?

Mr. BALESTRERE. I just went up there every month and check up there and they give me a check, and I walk right out—all by checks.

Mr. HALLEY. In other words, Tom Pendergast simply gave you a sort of gift.

Mr. BALESTRERE. Give me something to live.

Mr. HALLEY. It was something to live on.

Mr. BALESTRERE. Mr. Pendergast used to do that with everybody, not only with me.

Mr. HALLEY. You got a thousand dollars a month, you said, out of that.

Mr. BALESTRERE. Sometimes I used to get thousand, sometimes I used to get less, but I don't remember.

Mr. HALLEY. Sometimes more?

Mr. BALESTRERE. No; I don't think there was any more in that kind of that money.

Mr. HALLEY. Were you in the Glendale Sales Co?

Mr. BALESTRERE. Yes, sir.

Mr. HALLEY. When was that formed?

Mr. BALESTRERE. When that was put up, that was put up by Mr. Lashnip. If I want to share in there, yes. I had a little money and I put in there, which I lose them all.

Mr. HALLEY. Who else was in the Glendale Sales?

Mr. BALESTRERE. There was a lot of people belong in it, but I can't recall them names.

Mr. HALLEY. Was Tony Gizzo in it?

Mr. BALESTRERE. No; I don't believe he was.

Mr. HALLEY. Was Lacoco in it?

Mr. BALESTRERE. No, maybe he was. Just a minute. Because on the time I used to know that when they used to hold meeting once in a while, no money.

Mr. HALLEY. You never made any money out of the Glendale?

Mr. BALESTRERE. No, very little, but when they sold out, why, money I had invested in there, I got 20 cents on the dollar. That was a lot of money.

Mr. HALLEY. That was a soda and beer business; is that right?

Mr. BALESTRERE. What?

Mr. HALLEY. A soda and beer business?

Mr. BALESTRERE. No; I didn't had nothing to do with the beer business.

Mr. HALLEY. What was the Glendale?

Mr. BALESTRERE. Just soda.

Mr. HALLEY. It was a strictly legitimate business?

Mr. BALESTRERE. Yes; certainly.

Mr. HALLEY. You could not make any money in that.

Mr. BALESTRERE. Well, that I don't know. If they did make any money or not, that I don't know. Only thing I know I had a share in there; that is all.

Mr. HALLEY. When you went to see Mr. Pendergast and he gave you this business, the keno business—

Mr. BALESTRERE. Yes.

Mr. HALLEY. Had you been a very active political worker for him?

Mr. BALESTRERE. Well, for Mr. Pendergast in the North End; yes.

Mr. HALLEY. You were able to persuade the people in the North End to vote?

Mr. BALESTRERE. Well, I was enough to go around and talk to them to vote our ticket.

Mr. HALLEY. You had some influence?

Mr. BALESTRERE. Well, not too much. I used to go to talk to the old people and ask them.

Mr. HALLEY. The old people would listen to you?

Mr. BALESTRERE. Well, some did and some not; but practically I had a majority all of the time, because I was working at it.

Mr. HALLEY. Were you the captain of your precinct?

Mr. BALESTRERE. No, no.

Mr. HALLEY. Did you have any official position?

Mr. BALESTRERE. No. You mean working in the city or something like that?

Mr. HALLEY. In the politics.

Mr. BALESTRERE. No.

Mr. HALLEY. Were you a leader?

Mr. BALESTRERE. No, sir.

Mr. HALLEY. Or a captain?

Mr. BALESTRERE. No, sir; just worker.

Mr. HALLEY. Just a worker?

Mr. BALESTRERE. Worker; yes, sir.

Mr. HALLEY. But the majority of the people would do what you asked them?

Mr. BALESTRERE. I talked to them; them old people.

Mr. HALLEY. You were a pretty influential person—is that right—among the older people?

Mr. BALESTRERE. With the old people, practically every one used to say "All right, we vote for Mr. Pendergast." I had just to mention Pendergast and it would have been all right.

Mr. HALLEY. Did people come to you frequently for advice? Were you a sort of adviser of the older people when they were in trouble, when they had a dispute?

Mr. BALESTRERE. Dispute between ourselves?

Mr. HALLEY. Yes.

Mr. BALESTRERE. Or dispute in the politics?

Mr. HALLEY. Between themselves.

Mr. BALESTRERE. No.

Mr. HALLEY. Did they come to you to help settle it?

Mr. BALESTRERE. No, no; once in awhile.

Mr. HALLEY. It did happen once in awhile?

Mr. BALESTRERE. Once in a great while. Them old people don't fight. They are working people.

Mr. HALLEY. Not on fights; but, when they had some trouble, were you considered a man they could come to for advice or help?

Mr. BALESTRERE. No; not many times. Only time they used to come to me was when they had trouble, kid was arrested, or they are looking for a city job, or something like that.

Mr. HALLEY. What did you do with this white house that you built after you got it built?

Mr. BALESTRERE. Well, first, my son run it for a while. He had a little money of his own, and I think he lasted about a year or something. I don't remember how long he last.

Mr. HALLEY. Did he lose his money?

Mr. BALESTRERE. Yes; he lose. He had a little money; young fellow, married, you know, and he thought he would try if he could make any money, and he didn't succeed.

Mr. HALLEY. What did your son do after that?

Mr. BALESTRERE. Johnny?

Mr. HALLEY. Yes.

Mr. BALESTRERE. Why, John went to work with the, if I ain't make mistake, in the courthouse for a little while.

Mr. HALLEY. Who gave him the job in the courthouse?

Mr. BALESTRERE. I just got through telling you, Mr. Pendergast. I didn't have no other place to go, and so he worked there a little while. He didn't like it. Then the war broke out and he went to work for long time.

Mr. HALLEY. Working where?

Mr. BALESTRERE. The plant for defense work, he worked there for a little while. I don't know how long he worked there; but he did.

Mr. HALLEY. Then what did he do?

Mr. BALESTRERE. Then after that he got sick, and he was sick for a little while, a year or better. I guess, and took him back home with his wife, and then after that he joined in the union; he is in the union today.

Mr. HALLEY. What union is that?

Mr. BALESTRERE. See, I might make other mistake here, you see, Mr. Halley.

Mr. HALLEY. Thank you. Is that the Retail Clerks International Association?

Mr. BALESTRERE. Yes, sir.

Mr. HALLEY. A. F. of L. What does he do in that union?

Mr. BALESTRERE. He is business agent.

Mr. HALLEY. He is their business agent?

Mr. BALESTRERE. Yes.

Mr. HALLEY. Then what happened to the white house?

Mr. BALESTRERE. Well, the white house was a fellow named Walter Rainey.

Mr. HALLEY. Rainey?

Mr. BALESTRERE. He come to me to rent it after Johnny didn't succeed. Then we rent it to Walter Rainey for quite a while.

Mr. HALLEY. And Rainey paid you \$250 a month rent?

Mr. BALESTRERE. Yes, sir.

Mr. HALLEY. And he ran it as a gambling house, didn't he?

Mr. BALESTRERE. That I don't know.

Mr. HALLEY. You have heard that, haven't you?

Mr. BALESTRERE. Just a minute, now, Mr. Halley, please. I didn't know what he was running. Only thing I know he was running was a restaurant.

Mr. HALLEY. Well, you knew what was going on in Kansas City?

Mr. BALESTRERE. I never was in there, maybe in a year, Walter Rainey run one time, and I was there to repair something, and I will tell you what it was. The cellar we got it down there when the rain gets a little water.

Mr. HALLEY. You were fixing the cellar?

Mr. BALESTRERE. That is right.

Mr. HALLEY. But didn't you know that he was a gambler?

Mr. BALESTRERE. No; I don't.

Mr. HALLEY. And that he had a gambling house in the white house?

Mr. BALESTRERE. No, sir.

Mr. HALLEY. And a horse book?

Mr. BALESTRERE. No, sir.

Mr. HALLEY. But you got \$250 a month rent.

Mr. BALESTRERE. Yes, sir.

Mr. HALLEY. After a while, after some years, Rainey left the white house; is that correct?

Mr. BALESTRERE. Yes, sir.

Mr. HALLEY. And how much rent do you get for the white house now?

Mr. BALESTRERE. Now. Well, now, I rent it to fellow named Tom Positini, owned a restaurant. When he opened it up he paid me \$150 a month.

Mr. HALLEY. I thought you said last time it was \$100 a month.

Mr. BALESTRERE. Just a minute, now, Mr. Halley. If you give me time, I will explain it to you right, if I can. And so this boy after he got into it, he didn't like the idea, so he come down to talk to me, and he says, well, he says, "The restaurant won't go." He said, I have a granddaughter in there and I don't feel like running. What do you want to do? But I will keep the house," he says; so I says "All right." I says, "Tell you what you do; you talk to my boy Johnny, and go see what he thinks about it." That is my older boy. So he talked to Johnny. John talked to me. He says, "Papa, he wants to stay there and pay \$100 a month." All right. And he paid \$100 a month. But first he get in there, he pay \$150, a month or two, whatever it was, I don't remember.

Mr. HALLEY. Now you get \$100 a month?

Mr. BALESTRERE. \$100.

Mr. HALLEY. Did you ever hear of the Green Hills?

Mr. BALESTRERE. Yes.

Mr. HALLEY. That was a gambling place, wasn't it?

Mr. BALESTRERE. Yes, sir.

Mr. HALLEY. You had an interest in that?

Mr. BALESTRERE. Yes, sir; in 1942.

Mr. HALLEY. In 1942.

Mr. BALESTRERE. Around that, yes.

Mr. HALLEY. Will you explain to the committee about your interest in Green Hills?

Mr. BALESTRERE. Yes, sir. I wasn't doing—I was going to a picture show up at Twelfth Street and I met Binaggio. I used to know Binaggio since he was a baby.

Mr. HALLEY. This is Charlie Binaggio?

Mr. BALESTRERE. That is right. They came from some place in Texas. I don't know the town. They were living in the same building I was living in. I don't remember the number of the house, but it was on Harrison Street. He said, "What are you doing?" I said "I ain't doing nothing. I am trying to do something, to open me a little business or something like that."

He said, "You know, I am getting a piece out at the Green Hills. Do you want any?"

"Oh," I said, "I am not much in the gambling business. I don't know much about it."

He said, "Well, that is all right." I didn't see him no more.

About 30 days later he came in and brought me some money. I said, "What is this?" He said, "We win, and here is your end."

O. K., I took the money.

Mr. HALLEY. How much money did he bring you?

Mr. BALESTRERE. I don't remember how much it was, Mr. Halley, but in the period it was open I got \$5,000 out of it.

Mr. HALLEY. Over how long a period?

Mr. BALESTRERE. I don't remember how long it lasted.

Mr. HALLEY. I think you remembered the last time you testified that the first time he brought you \$400 or \$500.

Mr. BALESTRERE. Somewhere around there, four, five, sometimes six.

Mr. HALLEY. He never told you who your partners were?

Mr. BALESTRERE. No.

Mr. HALLEY. And he never told you what percentage you had?

Mr. BALESTRERE. No.

Mr. HALLEY. Suppose he had come to you and said you lost \$500, what would you have done?

Mr. BALESTRERE. With the kid I used to know him so well, I don't think he would tell me anything out of the way.

Mr. HALLEY. Suppose it was right?

Mr. BALESTRERE. I would have paid him. I would have found the money to pay him.

Mr. HALLEY. Weren't you interested to know what percentage of the total loss you would have to pay?

Mr. BALESTRERE. I didn't ask him anything, Mr. Halley, nothing.

Mr. HALLEY. Weren't you interested to know who your partners were in case somebody got in trouble or did something wrong?

Mr. BALESTRERE. No; I wasn't interested in anything. I was interested in what he was telling me, that is all.

Mr. HALLEY. You made no investment?

Mr. BALESTRERE. No; I didn't.

Mr. HALLEY. Just like in the keno game.

Mr. BALESTRERE. The same thing.

Mr. HALLEY. And Charlie just came around each month and paid you the money from it.

Mr. BALESTRERE. Yes, sir.

Mr. HALLEY. Does your son, Sam, have a liquor store?

Mr. BALESTRERE. Yes, sir.

Mr. HALLEY. That is the National Liquor Store?

Mr. BALESTRERE. Yes, sir.

Mr. HALLEY. How many stores has he?

Mr. BALESTRERE. One.

Mr. HALLEY. Just one?

Mr. BALESTRERE. Just one.

Mr. HALLEY. When did he buy that?

Mr. BALESTRERE. That has been quite a while back. I don't remember.

Mr. HALLEY. Try to think of the year. You sometimes have a really astonishing recollection for dates, so try.

Mr. BALESTRERE. I think my boy Sam one time in the war went into the liquor business, somewhere around there, in 1943 or '44. I don't remember the right date.

Mr. HALLEY. How old is Sam now?

Mr. BALESTRERE. Huh?

Mr. HALLEY. How old is Sam?

Mr. BALESTRERE. I think he is going on 28.

Mr. HALLEY. Going on 28?

Mr. BALESTRERE. Yes.

Mr. HALLEY. He bought the store in 1943 or 1944. He would be 21 years old.

Mr. BALESTRERE. I think he was maybe a little older than that, Sam was.

Mr. HALLEY. If he is 28 now, he must have been about 21 or 22 when he bought the store. Who gave him the money to buy the store?

Mr. BALESTRERE. He had his own.

Mr. HALLEY. Where did he get the money?

Mr. BALESTRERE. He worked in a defense plant for a long time.

Mr. HALLEY. You say he bought it in 1942 or 1943.

Mr. BALESTRERE. Somewhere around there. He had his own.

Mr. HALLEY. How much did he pay for that store?

Mr. BALESTRERE. I don't remember that. I didn't ask him.

Mr. HALLEY. Does he help support you now?

Mr. BALESTRERE. Yes.

Mr. HALLEY. He gives you money?

Mr. BALESTRERE. Well, he gives it to his mother.

Mr. HALLEY. He gives it to his mother?

Mr. BALESTRERE. Certainly.

Mr. HALLEY. Your wife handles the family finances now?

Mr. BALESTRERE. Certainly, and my boys.

Mr. HALLEY. What happens to the \$100 a month rent you get from the white house?

Mr. BALESTRERE. She gets that too.

Mr. HALLEY. She gets that too?

Mr. BALESTRERE. Certainly.

Mr. HALLEY. Does she have a bank account?

Mr. BALESTRERE. Yes, sir.

Mr. HALLEY. In what bank?

Mr. BALESTRERE. I think she's got it in the city banks.

Mr. HALLEY. Do you have a bank account?

Mr. BALESTRERE. No, sir.

Mr. HALLEY. Do you have a safe-deposit box?

Mr. BALESTRERE. No, sir.

Mr. HALLEY. Do you have any money at all?

Mr. BALESTRERE. Not much, no; a few dollars that my kids give me.

Mr. HALLEY. You have nothing but what your kids give you?

Mr. BALESTRERE. That is all. When I need some money I get it from them.

Mr. HALLEY. When you need something you get it from them?

Mr. BALESTRERE. Certainly.

Mr. HALLEY. Which of your kids give you money regularly?

Mr. BALESTRERE. When I ask for it.

Mr. HALLEY. What is the last time Sam gave you any money?

Mr. BALESTRERE. I asked Sam the other day. I wanted \$10 and he gave it to me. You see——

Mr. HALLEY. If you have money do you habitually carry it on you?

Mr. BALESTRERE. On me?

Mr. HALLEY. Yes.

Mr. BALESTRERE. I never carry more than six or seven dollars. Do you want to see how much I got now?

Mr. HALLEY. No. I don't want to see how much you have. Did you ever hear of the Retail Package Dealers Association?

Mr. BALESTRERE. I didn't understand you.

Mr. HALLEY. Did you ever hear of the Retail Package Liquor Association?

Mr. BALESTRERE. I think I did because my boy used to belong to it.

Mr. HALLEY. Your boy belonged to it?

Mr. BALESTRERE. I think Sam belonged to it maybe a year, something like that.

Mr. HALLEY. Did you know Pat Distasio?

Mr. BALESTRERE. I know him to see him, yes.

Mr. HALLEY. He worked for the association, didn't he?

Mr. BALESTRERE. I guess he did. I know the old people.

Mr. HALLEY. He was accused on several occasions, wasn't he, of bombing liquor stores?

Mr. BALESTRERE. I believe he was.

Mr. HALLEY. Do you remember when the Milgram store was bombed?

Mr. BALESTRERE. I remember when I heard something like that, but I don't remember the day it was bombed.

Mr. HALLEY. You remember that he had been having some problems with the Retail Liquor Store Association?

Mr. BALESTRERE. No; I remember he had a little problem with the police department, but I don't know what kind of problem he had with the association. I don't know.

Mr. HALLEY. Did your boys ever tell you that they were trying to get Milgram into the association?

Mr. BALESTRERE. No.

Mr. HALLEY. And that he was bombed in the middle of the discussions?

Mr. BALESTRERE. No. Sam is not that kind of a boy.

Mr. HALLEY. Is Pat Distasio that kind of boy?

Mr. BALESTRERE. I don't know nothing about that. I have known Pat for quite a while, and I know the folks are pretty good. I don't know what kind of boy he is.

Mr. HALLEY. Is John Blandon related to you?

Mr. BALESTRERE. Yes. He is my nephew.

Mr. HALLEY. He is your nephew.

Mr. BALESTRERE. Yes, sir.

Mr. HALLEY. He owns the Superior Wines & Liquor Corp.; is that right?

Mr. BALESTRERE. Superior Liquor Co. is what he calls it.

Mr. HALLEY. You know Joe DiGiovanni of course.

Mr. BALESTRERE. Yes.

Mr. HALLEY. Do you know Joe DeLuca?

Mr. BALESTRERE. Yes, sir.

Mr. HALLEY. And Frank DeLuca?

Mr. BALESTRERE. Yes, sir.

Mr. HALLEY. And Gizzo?

Mr. BALESTRERE. Yes, sir.

Mr. HALLEY. You know Lacoco?

Mr. BALESTRERE. Yes, sir.

Mr. HALLEY. Of course you knew Gargotta?

Mr. BALESTRERE. Certainly.

Mr. HALLEY. And Binaggio?

Mr. BALESTRERE. Yes.

Mr. HALLEY. You were doing business with him?

Mr. BALESTRERE. Yes.

Mr. HALLEY. Do you know that he owns the Roma Bakery?

Mr. BALESTRERE. Yes.

Mr. HALLEY. And Joe Cusumano?

Mr. BALESTRERE. Yes.

Mr. HALLEY. He is in the Roma Bakery, too?

Mr. BALESTRERE. Yes.

Mr. HALLEY. And John Blando?

Mr. BALESTRERE. John Blando—that is my nephew.

Mr. HALLEY. You know Nick Imposato?

Mr. BALESTRERE. Yes; I know him to see him, yes.

Mr. HALLEY. Do you know Vincent Chiapetti?

Mr. BALESTRERE. Who?

Mr. HALLEY. Vincent Chiapetti.

Mr. BALESTRERE. Yes; quite a while.

Mr. HALLEY. Do you know Frank Larocco?

Mr. BALESTRERE. Yes.

Mr. HALLEY. Do you know Paul Farantelli?

Mr. BALESTRERE. Yes, sir.

Mr. HALLEY. Do you know James DeSimone?

Mr. BALESTRERE. Yes.

Mr. HALLEY. Do you know Paul Cantanzaro?

Mr. BALESTRERE. Paul who?

Mr. HALLEY. Paul Cantanzaro. He was the man who was accused of the murder of the young boy, you remember, the Carramusa boy, back in 1911.

Mr. BALESTRERE. I remember the name, but I can't place who he is.

Mr. HALLEY. Cantanzaro? You remember the name?

Mr. BALESTRERE. I recall the name, but I don't know who they are, Mr. Halley.

Mr. WHITE. The watchman who works for DiGiovanni.

Mr. BALESTRERE. I don't know what he does.

Mr. HALLEY. I have no other questions.

The CHAIRMAN. Anything else, Mr. White?

Mr. WHITE. Have you ever been arrested, Mr. Balestrere?

Mr. BALESTRERE. It depends on what kind of arrest.

Mr. WHITE. Any kind.

Mr. BALESTRERE. Oh, yes; I have been arrested for speeding.

Mr. WHITE. Did you ever have your fingerprints taken?

Mr. BALESTRERE. No; I don't believe I did.

Mr. WHITE. Never at any time?

Mr. BALESTRERE. No.

Mr. WHITE. Were you ever arrested in Milwaukee?

Mr. BALESTRERE. No, sir.

Mr. WHITE. You are sure you never had your prints taken for any purpose?

Mr. BALESTRERE. I don't remember.

The CHAIRMAN. That is all, Mr. Balestrere.

Mr. BALESTRERE. Thank you.

The CHAIRMAN. Mr. Rainey, will you come around?

Mr. WHITE. Walter Rainey.

The CHAIRMAN. Mr. Rainey, do you solemnly swear the testimony you will give this committee will be the whole truth and nothing but the truth, so help you God?

Mr. RAINEY. I do.

The CHAIRMAN. Mr. Maitland, we are glad to see you. You represent Mr. Rainey?

Mr. MAITLAND. That is right, Senator. I would like to make a statement for the record before the witness testifies, if that is permissible.

The CHAIRMAN. We are going to have a 5-minute recess before we start. The committee will be in recess for 5 minutes.

(Brief recess.)

The CHAIRMAN. All right, Mr. Maitland, as attorney for Mr. Rainey, you wanted to make a statement.

Mr. MAITLAND. That is correct, Senator.

I would like to state for the purpose of the record that Mr. Rainey is not a voluntary witness here at this hearing. He is here in response to a subpoena in which he was directed to bring his financial records and the copies of his income-tax returns, that is, the Federal ones, for the years 1945 to 1949, inclusive. Mr. Rainey is now under indictment by the Government for income-tax evasion for three of those years, 1946, 1947, and 1948, and he is also under indictment by the State of Missouri for the operation of a lottery. Mr. Rainey desires to cooperate with this committee but is an involuntary witness. He claims his rights under the fifth amendment of the Constitution of the United States and sections 192 of title 2 and sections 3486 of title 18 of the United States Code and Annotated relative to self-incrimination. In the event that Mr. Rainey is asked to answer questions which might tend to incriminate him, in order that his rights under the Constitution and the statutes heretofore referred to may be protected, I will advise him to refuse to answer the question, and then if the committee here insists that he answer the question, I will so advise him to do so.

Also, Senator, I would like to have a certified copy of his testimony at the prior hearing, secret hearing, and also a certified copy of the testimony here today.

The CHAIRMAN. You will be furnished with both, Mr. Maitland.

Let me get straight, Mr. Maitland. He is under indictment by the Federal grand jury for income-tax evasion or alleged income-tax evasion for the years 1946, 1947, and 1948.

Mr. MAITLAND. That is correct, Senator.

The CHAIRMAN. That is on the returns filed for 1946 in the early part of 1947, and on down through.

Mr. MAITLAND. That is correct, sir.

The CHAIRMAN. He is under indictment on the State charge of operating a lottery. Can you give us any more details of the indictment for the operation of the lottery? When it took place?

Mr. MAITLAND. I think the allegations as to date of the offense are about the 1st day of April 1950. He has some five or six codefendants also joined in that particular indictment.

The CHAIRMAN. We want to respect the constitutional rights of every witness that appears before us, Mr. Maitland. You make your objection to any question that may be asked, and we will rule on the matter at that time.

Mr. MAITLAND. That is satisfactory.

The CHAIRMAN. I think I should state to you, as I did in the executive hearing where the same question was brought up, that before this committee Mr. Rainey or any witness has a right to make objection to answering and to refuse to answer a question that would incriminate him of a Federal offense. That right does not carry over to a State offense, as you well know.

Mr. MAITLAND. That is true, Senator.

The CHAIRMAN. We have examined the authorities. We will get to the matter when it comes up.

All right, Mr. Halley.

**TESTIMONY OF WALTER LOUIS RAINEY, KANSAS CITY, MO.,
ACCOMPANIED BY GEORGE H. MAITLAND, ATTORNEY, KANSAS
CITY, MO.**

Mr. HALLEY. What is your full name, Mr. Rainey?

Mr. RAINEY. Walter Louis Rainey.

Mr. HALLEY. What is your address?

Mr. RAINEY. 4434 Mill Creek.

Mr. HALLEY. Is that in Jackson County?

Mr. RAINEY. Kansas City, Mo.

Mr. HALLEY. What is your business?

Mr. RAINEY. My business? Right now it is selling cars.

Mr. HALLEY. What was it formerly?

Mr. RAINEY. Chicken Dinner operation.

Mr. HALLEY. Chicken Dinner? Where was your Chicken Dinner located?

Mr. RAINEY. 310 West Eighty-fifth.

Mr. HALLEY. What was the name of that?

Mr. RAINEY. White House.

Mr. HALLEY. The White House. Did you have a gambling game there?

Mr. MAITLAND. Just a moment, Mr. Witness. I will object to that question on the ground that the answer might tend to incriminate you.

The CHAIRMAN. This was in 1945 and 1946?

Mr. RAINEY. I want my rights. I want to stand on my constitutional rights.

The CHAIRMAN. All right. The Chair will overrule your objection to this testimony and order you to answer the question.

Mr. MAITLAND. I advise you to answer the question.

Mr. HALLEY. Did you have a gambling game at the White House?

Mr. RAINEY. Yes.

Mr. HALLEY. What kind of gambling game did you have there?

Mr. RAINEY. There were some fellows up there running a horse book. I didn't run it.

Mr. HALLEY. You had a share of the profits?

Mr. RAINEY. Yes.

Mr. HALLEY. Who were the people running the horse book at the White House?

Mr. RAINEY. Dread Finnell, Eiserman, Tim Pocci, and Clyde Harris.

Mr. HALLEY. Was Tony Gizzo a partner there?

Mr. RAINEY. No, sir.

Mr. HALLEY. Were you ever in partnership with Tony Gizzo?

Mr. RAINEY. No, sir.

Mr. HALLEY. Were you ever in any business with Tony Gizzo?

Mr. RAINEY. No, sir.

Mr. HALLEY. The White House was located out of Kansas City at the time you were running that game, is that right?

Mr. RAINEY. Yes, sir.

Mr. HALLEY. In Jackson County?

Mr. RAINEY. Yes, sir.

Mr. HALLEY. I believe when you testified before the committee last you were asked how you were able to operate a gambling game successfully in Jackson County without having to take into account gamblers in the city who were cutting in on gamblers around every place else. Do you recall that?

Mr. RAINEY. No; I don't recall.

Mr. HALLEY. Do you recall stating that you had quite a following politically in Jackson County?

Mr. RAINEY. Yes, sir.

Mr. HALLEY. What is your situation—

The CHAIRMAN. Just a moment, before you get to that. I believe that you testified that when you first started operating the White House, it was not inside the city limits?

Mr. RAINEY. It was in the county; yes.

The CHAIRMAN. It was in the county and not in the city. Then after you had operated it for a while, the city limits were extended so as to include the place where you operated the White House.

Mr. RAINEY. That is right.

The CHAIRMAN. After that time, your operation there was raided and you found you couldn't operate at this location, is that right?

Mr. RAINEY. Well, it was an all-night place, where people come out after hours, after the saloons close, and eat chicken dinners, and bring their bottle drinks.

The CHAIRMAN. So you couldn't operate there after it came into the city?

Mr. RAINEY. No.

The CHAIRMAN. Then it was at that point that you moved your operation out into the county.

Mr. RAINEY. No, no. After it came into the city you couldn't operate.

The CHAIRMAN. Then after it came into the city then you moved your operation from the White House out to somewhere else, didn't you?

Mr. RAINEY. No, sir. I went to the Plantation Club; yes.

The CHAIRMAN. Yes, you went to the Plantation Club. Excuse me, Mr. Halley.

Mr. HALLEY. You were telling about your political following in the county.

Mr. RAINEY. I have been out there 25 years. I know every tavern owner and everything. Each one of them has so many votes, and I get out and work and get them to vote.

Mr. HALLEY. How many votes are you good for in an election?

Mr. RAINEY. I figure five or six thousand.

Mr. HALLEY. I believe you explained to the committee that as a result of your political following, you were quite sure nobody would bother you in your operations in the county, is that right?

Mr. RAINEY. That is right.

Mr. HALLEY. For that reason you don't have to pay anybody off, do you?

Mr. RAINEY. That is right.

Mr. HALLEY. What other gambling operations did you have?

The CHAIRMAN. During this time when you felt that you could operate with immunity in the county, who was the sheriff?

Mr. RAINEY. There was many a sheriff.

The CHAIRMAN. Was Williams a sheriff?

Mr. RAINEY. Yes.

The CHAIRMAN. Still you could operate?

Mr. RAINEY. Richard was sheriff, Smedley was sheriff. I was out there 25 years. Purdome is sheriff, yes.

The CHAIRMAN. Did you operate while he was sheriff out in the county?

Mr. RAINEY. Yes.

The CHAIRMAN. Without any trouble?

Mr. RAINEY. I didn't have much gambling. There were a couple of phones upstairs. It was what you would call a sneak proposition. None of the public played.

Mr. HALLEY. Then you had certain other gambling places, did you not?

Mr. MAITLAND. Pardon me, Mr. Halley. I am sorry. Mr. Rainey, I advise you to refuse to answer that question on the ground that your answer might tend to incriminate you.

Mr. RAINEY. I want my rights on the ground it might incriminate me.

The CHAIRMAN. The question is only whether he had other gambling operations. It is not asking him about the income that he derived from those or whether he derived any income. So I think it has no immediate relevancy or connection with the Federal offense with which Mr. Rainey has been charged. So the Chair will overrule the objection and order you to answer the question.

Mr. MAITLAND. I advise you to answer, Mr. Rainey.

Mr. RAINEY. Would you ask me again, Mr. Halley.

Mr. HALLEY. Did you have any other gambling place besides the White House?

Mr. RAINEY. Yes; I was interested in gambling places.

Mr. HALLEY. Would you state what they were?

Mr. RAINEY. In what year?

Mr. HALLEY. In any year, from 1940 on to this date.

Mr. RAINEY. I don't believe I had any gambling places in 1940.

Mr. HALLEY. Any time after that?

Mr. RAINEY. Yes, 3111 Holmes. I had an interest in that.

Mr. HALLEY. What was that?

Mr. RAINEY. What was the name of it?

Mr. HALLEY. Yes. Was that the Town Recreation?

Mr. RAINEY. Yes.

Mr. HALLEY. During what period did you have an interest in the Town Recreation?

Mr. RAINEY. I can't remember the years.

Mr. HALLEY. That was a dice game?

Mr. RAINEY. Yes.

Mr. HALLEY. Was that in the county or in the city?

Mr. RAINEY. In the city.

Mr. HALLEY. Did your partners include Gargotta and Lacoco?

Mr. RAINEY. I don't know that. My partners were Sam Hayden, Bob Green, Clarence Walker, and myself.

Mr. HALLEY. Was Friedlander in it?

Mr. RAINEY. Friedlander, McElroy.

Mr. HALLEY. Do you know whether or not Gargotta at any time had an interest in it?

Mr. RAINEY. No, sir; I didn't know he had any.

Mr. HALLEY. Did you know whether Lacoco had an interest?

Mr. RAINEY. No, sir.

Mr. HALLEY. Is it possible that they could have had an interest without your knowing it?

Mr. RAINEY. It is possible they could have, yes; unbeknown to me.

Mr. HALLEY. What other gambling interests have you had?

Mr. MAITLAND. I would like the record to show——

The CHAIRMAN. That the same objection is made, and the same ruling.

Mr. MAITLAND. Thank you. Go ahead, Mr. Rainey.

Mr. RAINEY. I had the 85 Club at 1706 Baltimore.

Mr. HALLEY. What was that?

Mr. RAINEY. A night club, chicken-dinner place.

Mr. HALLEY. Was there a dice game there?

Mr. RAINEY. Yes.

Mr. HALLEY. Was there a horse book?

Mr. RAINEY. No, sir.

Mr. HALLEY. Who were your partners there?

Mr. RAINEY. Straus and myself.

Mr. HALLEY. That is in the city?

Mr. RAINEY. Yes.

Mr. HALLEY. Was McElroy a partner there?

Mr. RAINEY. No, sir.

Mr. HALLEY. What other gambling games?

Mr. RAINEY. 3319 Main, 85 Club, Straus and Rainey.

Mr. HALLEY. Is 3818 Main——

Mr. RAINEY. 3319 Main.

Mr. HALLEY. Was that this Clover Bar?

Mr. RAINEY. No, sir.

Mr. HALLEY. Did you also have one at the Clover Leaf Bar?

Mr. RAINEY. I never had gambling at the Clover Leaf Bar.

Mr. HALLEY. No gambling?

Mr. RAINEY. No, sir.

Mr. HALLEY. It was down the street at the other place?

Mr. RAINEY. Sir?

Mr. HALLEY. It was down the street at 3319?

Mr. RAINEY. Yes, 3319 Main.

Mr. HALLEY. That is just a few doors away from the Clover Leaf?

Mr. RAINEY. That is where that big theater is, yes. It used to be the 85 Club.

Mr. HALLEY. What did you have there?

Mr. RAINEY. I had dancing and floor shows and things. I had a dice game.

Mr. HALLEY. Who were your partners?

Mr. RAINEY. Straus and myself.

Mr. HALLEY. Did you ever have a gambling interest in Denver, Colo.?

Mr. RAINEY. Yes. No, not in Denver.

Mr. HALLEY. Where was it in Colorado?

Mr. RAINEY. Broadmoor, Colo.

Mr. HALLEY. Who were your partners there?

Mr. RAINEY. There was Inman and Vose and Eddie Kessler.

Mr. HALLEY. What was that operation in Denver?

Mr. RAINEY. It is just a big home back of the Broadmoor. People from the Broadmoor came up and played.

The CHAIRMAN. Max Jaben was in that, too?

Mr. RAINEY. That was in 1948. I was talking about 1947.

Mr. HALLEY. Cy Davidson?

Mr. RAINEY. He was living at the hotel.

Mr. HALLEY. What other gambling games did you have?

Mr. RAINEY. The Sky Bar Gardens.

Mr. HALLEY. Where was that?

Mr. RAINEY. 40 Highway and old Blue Ridge Boulevard.

Mr. HALLEY. During what years did you have that?

Mr. RAINEY. I can't remember, 1937, 1938, or 1938 and 1939.

Mr. HALLEY. What did you have there?

Mr. RAINEY. I had dice and chicken dinner, floor shows, dance, and orchestra.

Mr. HALLEY. That has been pretty much your business through the years, is that right?

Mr. RAINEY. That is right.

Mr. HALLEY. Restaurant with dancing and gambling on the side.

Mr. RAINEY. Yes, sir.

Mr. HALLEY. Sometimes a horse book, too?

Mr. RAINEY. I had one horse book.

Mr. HALLEY. Just the one horse book?

Mr. RAINEY. Yes.

Mr. HALLEY. Are you familiar with the Tavern——

The CHAIRMAN. How about this 8223 Troost?

Mr. RAINEY. Yes; that is the 85 Club, the same thing.

Mr. HALLEY. Are you familiar with the tavern business in Jackson County?

Mr. RAINEY. I have been in it for the last 25 years; yes.

Mr. HALLEY. Outside of city limits it is not lawful to sell drinks in the county; is that right?

Mr. RAINEY. It is lawful to sell a drink—it is unlawful.

Mr. HALLEY. However, all the taverns do it, isn't that right?

Mr. RAINEY. Well, they might sell you a drink if they know you real well.

Mr. HALLEY. They couldn't exist if they didn't; isn't that so?

Mr. RAINEY. I don't know. They get 25 cents or 30 cents or 50 cents for a coke. I would rather sell that than whisky.

Mr. HALLEY. But you do sell whisky?

Mr. RAINEY. They sell whisky.

Mr. HALLEY. All of the taverns make a practice of selling whisky; isn't that right?

Mr. RAINEY. I couldn't say that as to all the taverns.

Mr. HALLEY. Most of them?

Mr. RAINEY. There are some taverns that don't sell whisky. They sell coke, and you bring your own bottle.

Mr. HALLEY. Would you say it is the pretty general practice to serve whisky?

Mr. RAINEY. There are a few. If you are well known you might get a drink from them; yes.

Mr. HALLEY. It is a little easier than that, isn't it?

Mr. RAINEY. No; it isn't.

Mr. HALLEY. Do some of the taverns stay open after hours, too?

Mr. RAINEY. Yes; they have no closing hour.

Mr. HALLEY. No closing hour at all.

No further questions.

The CHAIRMAN. There is a closing hour in the city, isn't there?

Mr. RAINEY. Oh, yes.

The CHAIRMAN. What is that?

Mr. RAINEY. That is on account of the city license.

The CHAIRMAN. Is that 1 o'clock?

Mr. RAINEY. 1:30, 12 o'clock on Saturday.

The CHAIRMAN. So, then the county is opened up and anybody who wants to drink or gamble may do so.

Mr. RAINEY. There is no law there against dancing. They can dance all night and bring their bottle and buy a coke and seltzer water and sit there and dance and drink and have fun all night.

The CHAIRMAN. You didn't state anything about having been in the numbers racket.

Mr. RAINEY. No; I didn't.

The CHAIRMAN. You were in the numbers racket?

Mr. MAITLAND. The same objection to that, Senator.

The CHAIRMAN. The same ruling.

Mr. MAITLAND. Go ahead and tell the Senator about the operations.

Mr. RAINEY. In this year, 1950, I bought Peck McBride's interest out in the policy business.

The CHAIRMAN. That was here in this section?

Mr. RAINEY. Yes, sir.

The CHAIRMAN. What is the Walnut Recreation? Is that the same thing?

Mr. RAINEY. That is Eighty-fifth and Walnut, the white house, the Walnut Recreation.

The CHAIRMAN. What name did you use down at Colorado Springs?

Mr. RAINEY. What name did I use?

The CHAIRMAN. Did you operate under your name down there, your business?

Mr. RAINEY. We didn't use any name; called it the Pink House.

The CHAIRMAN. How many seasons did you operate?

Mr. RAINEY. Twice; two seasons, 1947 and 1948.

The CHAIRMAN. Did you ever have any businesses with Charles Binaggio?

Mr. RAINEY. Never in my life.

The CHAIRMAN. Gargotta?

Mr. RAINEY. Never in my life.

The CHAIRMAN. All right, Mr. Rainey. That is all.

Thank you, Mr. Maitland.

Mr. MAITLAND. Thank you, Senator, and Mr. Halley.

The CHAIRMAN. Mr. DiGiovanni, Joseph DiGiovanni.

Sit down, Mr. DiGiovanni. You have been sworn.

FURTHER TESTIMONY OF JOSEPH DIGIOVANNI

Mr. DIGIOVANNI. I thank you.

Mr. HALLEY. You are still under oath. Your testimony is still sworn testimony under oath, because you were sworn yesterday. You understand that?

Mr. DIGIOVANNI. Yes, sir.

Mr. HALLEY. Did you bring your eyeglasses?

Mr. DIGIOVANNI. Yes, sir.

Mr. HALLEY. Will you put them on, please.

Yesterday Mr. White was showing you some pictures and asking you if you recognized the people.

Mr. DIGIOVANNI. Yes.

Mr. HALLEY. Will you look at the pictures now; and Mr. White, will you clearly identify each picture and get the answer, so that we know just which picture the witness is talking about?

Mr. WHITE. I will show you a picture of Mike Governale, and ask you if you know that man.

Mr. DIGIOVANNI. No, sir; I don't know him.

Mr. WHITE. Did you ever see him?

Mr. DIGIOVANNI. No, sir.

Mr. WHITE. Were you ever arrested with him?

Mr. DIGIOVANNI. Don't remember.

The CHAIRMAN. Let us get your answer. Were you or were you not arrested with that man.

Mr. DIGIOVANNI. I was not.

The CHAIRMAN. Never?

Mr. DIGIOVANNI. Never.

The CHAIRMAN. We have to get your answer.

Mr. DIGIOVANNI. Never. I don't know the man.

The CHAIRMAN. And give his name again.

Mr. WHITE. Mike Governale.

Mr. DIGIOVANNI. I don't know this man at all.

The CHAIRMAN. Were you ever arrested with him?

Mr. DIGIOVANNI. I don't remember.

The CHAIRMAN. Read the charge there, Mr. White, and let us get it in the record.

Mr. WHITE. Record of the Kansas City Police Department: "No. 7080, charge, investigation, Black Hand letters; dated July 31, 1915."

The CHAIRMAN. The records of the Kansas City Police Department, and this man's name that you talk about, will be made a part of the record at this place. Will you please mark it for identification as "Exhibit No. 21."

(The document was marked "Exhibit No. 21", and is on file with the committee.)

The CHAIRMAN. The question is, sir, whether you know the man whose picture has been shown to you, and whether you were arrested with him in connection with the charge that has been explained to you here.

Mr. DiGIOVANNI. I don't know the man at all.

The CHAIRMAN. How about being arrested with him on this charge?

Mr. DiGIOVANNI. I don't remember.

The CHAIRMAN. Well; were you or were you not?

Mr. DiGIOVANNI. I don't believe I was.

The CHAIRMAN. Well, now, we have to have an answer of "yes" or "no." Were you arrested on that charge that has been——

Mr. DiGIOVANNI. No, sir.

The CHAIRMAN. You were not?

Mr. DiGIOVANNI. That I can remember.

The CHAIRMAN. I know; but, you must remember, you either say you were or were not.

Mr. DiGIOVANNI. I don't remember that far back.

The CHAIRMAN. You do not remember that far back?

Mr. DiGIOVANNI. No.

The CHAIRMAN. What was that date?

Mr. WHITE. The date of this arrest is July 31, 1915.

The CHAIRMAN. You remembered being arrested for murder after so long a time last night. Were you arrested on this Black Hand charge or not?

Mr. DiGIOVANNI. I don't remember this at all. I am telling you the truth. I don't remember this at all. I don't know the man at all.

The CHAIRMAN. Not whether you know the man; whether you were arrested on this Black Hand charge.

Mr. DiGIOVANNI. I really don't remember.

The CHAIRMAN. Then I take it your answer is "No" to that question?

Mr. DiGIOVANNI. Yes.

The CHAIRMAN. Proceed.

Mr. WHITE. I show you a photograph of one Pietro Agnella, Kansas City Police Department identification No. 7078, and ask you if you have ever seen that man before.

Mr. DiGIOVANNI. Yes, sir.

Mr. WHITE. Were you arrested with him on one occasion?

Mr. DiGIOVANNI. Yes, sir.

Mr. WHITE. And what was the charge on which you were arrested?

Mr. DiGIOVANNI. Taken down to the station, arrested; and I don't know what charge they had.

The CHAIRMAN. Let the picture and that record be made exhibit No. 22.

(The document was marked "Exhibit No. 22", and is on file with the committee.)

The CHAIRMAN. What does it show, Mr. White, in summary?

Mr. WHITE. "Charge, investigation, Black Hand letters," Pietro Agnella arrested at Kansas City, Mo., by Olivero and Carroll, January 15, 1918, at Fifth and Grand, with Harry Shafter and Mike Ferantelli. Ferantelli was carrying a revolver and sentenced to 75 days in the county jail, arrested.

The CHAIRMAN. Was Mr. DiGiovanni?

Mr. WHITE. This does not contain the summary of the charge of the instant case on the sheet.

The CHAIRMAN. Was he arrested according to that record?

Mr. WHITE. Why, yes; he was arrested on the same day, same place, according to another record, with this man.

The CHAIRMAN. Have you got the other record?

Mr. WHITE. All right.

The CHAIRMAN. That is exhibit No. 23. (On file with committee.)

Mr. WHITE. I show you a record of the Kansas City Police Department, No. 7082, containing the photograph of John Cinincione, also known as John Cirrine, and ask you if you know that man.

Mr. DiGIOVANNI. Yes; I know him.

Mr. WHITE. This record shows the arrest on July 9, 1915, of John Cinincione, "charge, investigation, Black Hand letters," and it says at the bottom of the sheet:

As John Cirinicone, arrested at Kansas City, Mo., by Chief of Police Godley and Chief of Detectives Phelan, Olivero, Arthur, Bozzell, King, Harrison, and Kritser, March 23, 1919, at No. 108 East Third Street, with Joe San Biagio, and same case with Mike Molle, Joe Cancellai, Joe Vaccaro, James Cappari, Vincent Cipoli, Dominic Molle, Leonard Saladino, Joe Moscato, Sam Tripi, Vincent Abbolito, Sam—

The CHAIRMAN. The record speaks for itself. Is the name here, Joe DiGiovanni?

Mr. WHITE. Yes, sir.

The CHAIRMAN. The question is, Were you on the dates set forth there arrested on a Black Hand charge? What is the specific charge, Mr. White?

Mr. WHITE. Black Hand letters, investigation for Black Hand letters.

The CHAIRMAN. Were you arrested on this charge with these people?

Mr. DiGIOVANNI. Yes.

The CHAIRMAN. You were?

Mr. DiGIOVANNI. Yes, sir.

The CHAIRMAN. Why did you deny that last night?

Mr. DiGIOVANNI. I don't remember it exactly then, but it come to me when I see this set of pictures.

The CHAIRMAN. But you do admit you were arrested and investigated for sending out Black Hand letters?

Mr. DiGIOVANNI. Yes.

Mr. HALLEY. Yesterday you said you had never heard of a Black Hand letter. Why did you say that?

Mr. DiGIOVANNI. I don't know what they arrest me for. They arrest me, I don't know—they can arrest anybody, take you down; don't know what they arrest me for.

Mr. HALLEY. You didn't know you were arrested for Black Hand letters? You know now what a Black Hand letter is?

Mr. DiGIOVANNI. Why, sure.

Mr. HALLEY. You know what it is?

Mr. DiGIOVANNI. Yes.

Mr. HALLEY. Tell me what a Black Hand letter is.

The CHAIRMAN. Take your time and explain what a Black Hand letter is.

Mr. DiGIOVANNI. What it is, could I tell what it is?

The CHAIRMAN. Yes.

Mr. DiGIOVANNI. What do you mean? You got a black hand; that what they mean.

The CHAIRMAN. We want you to tell us what it is.

Mr. DiGIOVANNI. I don't know what it is.

Mr. HALLEY. Do you also remember at this time having been arrested for kidnapping, in 1925?

Mr. DiGIOVANNI. Yes.

Mr. HALLEY. You remember that now.

Mr. DiGIOVANNI. Yes.

Mr. HALLEY. Whom were you accused of kidnapping?

Mr. DiGIOVANNI. Well, I don't remember exactly, but they arrested me. I don't know what they arrest me for, for kidnapping or something, but they arrest me.

Mr. HALLEY. Let us be clear. Was this in 1925?

Mr. DiGIOVANNI. Maybe it was; yes.

Mr. HALLEY. And did they say that you had kidnaped somebody?

Mr. DiGIOVANNI. No; they didn't say that. They didn't tell me. They just arrest me.

Mr. HALLEY. What were you told?

Mr. DiGIOVANNI. I was told if I know anything about it.

Mr. HALLEY. About what?

Mr. DiGIOVANNI. They ask me if I know anything about these people in kidnap. I say "No, I don't know them."

Mr. HALLEY. Did they ask you if you knew about somebody who had been kidnaped?

Mr. DiGIOVANNI. Yes.

Mr. HALLEY. Did they tell you who had been kidnaped?

Mr. DiGIOVANNI. No.

Mr. HALLEY. What people did they ask you about?

Mr. DiGIOVANNI. I don't remember the names.

Mr. HALLEY. Were you taken to jail?

Mr. DiGIOVANNI. Yes.

Mr. HALLEY. How long were you in jail?

Mr. DiGIOVANNI. Well, maybe a day or two. I don't remember exactly.

Mr. HALLEY. Did you hire a lawyer?

Mr. DiGIOVANNI. I don't remember.

Mr. HALLEY. When did you last have a lawyer? Do you have a lawyer representing you now?

Mr. DiGIOVANNI. Yes.

Mr. HALLEY. Did you have a lawyer when you were convicted on the liquor charge?

Mr. DiGIOVANNI. Yes.

Mr. HALLEY. Do you remember when you paid the \$500 fine?

Mr. DiGIOVANNI. Yes.

Mr. HALLEY. You remember that clearly now?

Mr. DiGIOVANNI. Yes.

Mr. HALLEY. Did you have a lawyer then?

Mr. DiGIOVANNI. Yes.

Mr. HALLEY. Who was that lawyer?

Mr. DiGIOVANNI. I think it was Chief Griffin.

Mr. HALLEY. Chief Griffin?

Mr. DiGIOVANNI. Yes.

Mr. HALLEY. Was your lawyer?

Mr. DiGIOVANNI. Yes, sir.

Mr. HALLEY. On your side?

Mr. DiGIOVANNI. Uh huh.

The CHAIRMAN. Speak up.

Mr. DiGIOVANNI. Yes, sir. I am not sure. I think I had him. I don't know if the same thing or not. But I had him for lawyer once.

Mr. HALLEY. When you were arrested for this murder charge, did you have a lawyer?

Mr. DiGIOVANNI. I don't remember.

Mr. HALLEY. How long have you been in the Midwest Distributing Co.?

Mr. DiGIOVANNI. Since 1934.

Mr. HALLEY. Since 1934?

Mr. DiGIOVANNI. Yes.

Mr. HALLEY. You have the exclusive distributorship for Seagrams?

Mr. DiGIOVANNI. Yes.

Mr. HALLEY. For the Kansas City area?

Mr. DiGIOVANNI. Yes.

Mr. HALLEY. How large an area do you have?

Mr. DiGIOVANNI. Well, all Kansas City and Jackson County.

Mr. HALLEY. All of Jackson County?

Mr. DiGIOVANNI. Yes.

Mr. HALLEY. How did you get that distributorship?

Mr. DiGIOVANNI. How would I get?

Mr. HALLEY. Yes.

Mr. DiGIOVANNI. The Seagram man come over, Mr. Tees.

Mr. HALLEY. What was his name?

Mr. DiGIOVANNI. Bill Tees and Shorty Wherry.

Mr. HALLEY. Shorty who?

Mr. DiGIOVANNI. Wherry.

Mr. HALLEY. Wherry?

Mr. DiGIOVANNI. Yes.

Mr. HALLEY. Had you known them before?

Mr. DiGIOVANNI. Yes.

Mr. HALLEY. How long had you known them?

Mr. DiGIOVANNI. I know right after repeal because he was with the Hiram Walker, Mr. Tees, and then he went to Seagrams.

Mr. HALLEY. Did you know them before repeal of prohibition?

Mr. DiGIOVANNI. No, sir.

Mr. HALLEY. You did not?

Mr. DiGIOVANNI. No, sir.

Mr. HALLEY. Can you read?

Mr. DiGIOVANNI. No, sir.

Mr. HALLEY. You cannot read?

Mr. DiGIOVANNI. No, sir.

Mr. HALLEY. Not at all?

Mr. DiGIOVANNI. Not at all.

Mr. HALLEY. Not even a little bit?

Mr. DiGIOVANNI. No.

Mr. HALLEY. What did you pay for the Seagram agency?

Mr. DiGIOVANNI. Nothing.

Mr. HALLEY. Did you pay any money?

Mr. DiGIOVANNI. No, sir.

Mr. HALLEY. Can you write anything?

Mr. DiGIOVANNI. No, sir.

Mr. HALLEY. Can you write your name?

Mr. DiGIOVANNI. Yes, sir.

Mr. HALLEY. You can't write anything else?

Mr. DiGIOVANNI. No, sir.

Mr. HALLEY. Do you know anybody in the Superior Wines and Liquor?

Mr. DiGIOVANNI. Yes, sir.

Mr. HALLEY. Who do you know there?

Mr. DiGIOVANNI. I know my brother.

Mr. HALLEY. Who is that?

Mr. DiGIOVANNI. Vincent.

Mr. HALLEY. And Superior Wines and Liquor has the Schenley line; is that right?

Mr. DiGIOVANNI. That is right.

Mr. HALLEY. And whoever has both Seagram's and Schenley controls the liquor trade in any city, don't they?

Mr. DiGIOVANNI. Control what?

Mr. HALLEY. The liquor trade, don't they?

Mr. DiGIOVANNI. No.

Mr. HALLEY. They have the greatest part of the liquor trade, those two companies.

Mr. DiGIOVANNI. Business open for everybody.

Mr. HALLEY. Those are very important distributorships, are they not?

Mr. DiGIOVANNI. No, sir.

Mr. HALLEY. They are not?

Mr. DiGIOVANNI. No.

Mr. HALLEY. Would you be willing to give up the Seagram's distributorship?

Mr. DiGIOVANNI. No, sir. Why should I?

Mr. HALLEY. It is important, isn't it? It is an important—

Mr. DiGIOVANNI. Yes. Why, certainly it is.

Mr. HALLEY. It is an important business asset.

Mr. DiGIOVANNI. Yes; it is.

Mr. HALLEY. So is the Schenley's.

Mr. DiGIOVANNI. Yes, sir.

Mr. HALLEY. Do you remember when Wolf Riman in 1949 attempted to get one of the Schenley lines?

Mr. DiGIOVANNI. Well, I don't know what he tried to get.

Mr. HALLEY. Did you ever hear that Wolf Riman was getting a Schenley line to distribute?

Mr. DiGIOVANNI. Yes, sir.

Mr. HALLEY. He went to New York after it; isn't that right?

Mr. DiGIOVANNI. I don't know where he went.

Mr. HALLEY. And then in March of 1949, shortly after that, he was killed; is that right?

Mr. DiGIOVANNI. That is right.

Mr. HALLEY. Do you know who killed him?

Mr. DiGIOVANNI. No, sir.

Mr. HALLEY. Do you know why he was killed?

Mr. DiGIOVANNI. No, sir.

Mr. HALLEY. I have no other questions.

The CHAIRMAN. Your brother had the Schenley line at the time Wolf Riman was trying to get it?

Mr. DiGIOVANNI. Yes, sir.

The CHAIRMAN. And did Wolf Riman get part of the Schenley line? He did, did he not?

Mr. DiGIOVANNI. I don't know, to tell you the truth.

The CHAIRMAN. Did they not take part of it away from your brother?

Mr. DiGIOVANNI. I don't know that.

The CHAIRMAN. Well, part of the Schenley line was given to Mr. Riman, was it not?

Mr. DiGIOVANNI. I don't know, those things I don't know. I don't know.

The CHAIRMAN. Anyway, there was quite a contest between your brother and Wolf Riman over the Schenley lines.

Mr. DiGIOVANNI. I don't know.

The CHAIRMAN. You don't know?

Mr. DiGIOVANNI. No, sir. I don't know my brother had anything to do with the Schenley line.

The CHAIRMAN. We will make a part of the record at this time Kansas City Police Department case No. 7079 as exhibit No. 24.

(The document is identified as exhibit No. 24, and appears in the appendix on p. 418.)

The CHAIRMAN. You admitted that on October 9, 1918, you were arrested for and tried for murder?

Mr. DiGIOVANNI. That is right.

The CHAIRMAN. That is correct. You now admit that on October 10, 1925, you were arrested for kidnaping?

Mr. DiGIOVANNI. That is right.

The CHAIRMAN. And investigated for kidnaping. Were you arrested as a material witness for some charge on April 25, 1941—May 25, 1941?

Mr. DiGIOVANNI. 1941?

The CHAIRMAN. 1941.

Mr. DiGIOVANNI. What was it? Can you explain to me what was? I don't remember.

Mr. HALLEY. In Kansas City.

Mr. DiGIOVANNI. What for?

Mr. HALLEY. For a witness.

Mr. DiGIOVANNI. For what?

Mr. HALLEY. To testify.

Mr. DiGIOVANNI. On what?

Mr. HALLEY. In a murder case.

Mr. DiGIOVANNI. No, sir. No, sir. No, sir.

The CHAIRMAN. Were you in case No. 4071 in the Kansas City Police Department arrested with your brother Paul, Paul DiGiovanni, and indicted in a liquor case, and pled guilty and fined \$500 in November 1920?

Mr. DiGIOVANNI. That is right.

The CHAIRMAN. You were?

Mr. DiGIOVANNI. Yes.

The CHAIRMAN. Why did you not admit that last night?

Mr. DiGIOVANNI. I didn't remember.

The CHAIRMAN. You did not remember last night?

Mr. DiGIOVANNI. I was confused. I told you that.

The CHAIRMAN. But you do now remember that you were arrested and indicted and pled guilty and fined \$500 along with your brother, Paul?

Mr. DiGIOVANNI. That is right.

The CHAIRMAN. In case No. 8262 of the Kansas City Police Department, were you, along with Joe Bertini and Tony Tumminello indicted on account of a still with enough mash for 4,000 gallons of liquor, and indicted on November 9, 1927?

Mr. DiGIOVANNI. No, sir.

The CHAIRMAN. You are not involved in that case?

Mr. DiGIOVANNI. No, sir.

The CHAIRMAN. With these people or with anyone else?

Mr. DiGIOVANNI. I don't know.

The CHAIRMAN. For operating a still, and indicted in November 1927?

Mr. DiGIOVANNI. I don't know a thing about it.

The CHAIRMAN. What is your answer? Were you or were you not?

Mr. DiGIOVANNI. No, sir; I wasn't.

The CHAIRMAN. On January 20, case No. 8389, January 20, 1928, were you indicted for operating a 250-gallon still at 516 East Fifth Street, and found with 70 gallons of whisky and mash enough for 2,000 gallons of liquor? Were you?

Mr. DiGIOVANNI. I pay fine for that. I told you last night.

The CHAIRMAN. The one you paid a fine for was——

Mr. DiGIOVANNI. That is it.

The CHAIRMAN. That seems to be a different case, but you think that is the one you paid a fine for?

Mr. DiGIOVANNI. That is the one, because the only time I own a property, I told you last night.

The CHAIRMAN. The previous, the one I am talking about, after trial was dismissed, you were up on another one and dismissed.

Mr. DiGIOVANNI. I don't remember.

The CHAIRMAN. The one you paid a fine on was—the one I have read to you was January 1928. The one you paid a fine on you were indicted in April 1928, were you not, and on that occasion you had a 250-gallon outfit?

Mr. DiGIOVANNI. No, no.

The CHAIRMAN. Whereas previously you had a 70-gallon outfit?

Mr. DiGIOVANNI. No; you got that wrong.

The CHAIRMAN. Any other questions?

Mr. DiGiovanni, you have done what other people apparently have attempted to do, to deny anything and to protect yourself, even to the extent of perjuring yourself, sticking by your story and by your perjury until you find that whoever is questioning you has unquestionable records which you cannot disprove. It is quite a different story that you have told here this morning than the one you told last night.

Mr. DiGIOVANNI. As I told you, I got confused last night. I don't remember that far back.

The CHAIRMAN. You were not confused. You are a businessman making net over \$80,000 a year, on which you have paid taxes—on that much, at least—and an important business, in a very important business. Also, you denied ever having been arrested, at the executive session of this committee, and your testimony at the executive session will now be made a part of the record in this open session. Beginning with the executive session on Thursday, July 20, 1950, beginning in the transcript at page 1148, your testimony in that session will be read into the record at this point by reference in which in a categorical answer to Mr. White's question, "Have you ever been arrested?" you answered, "No, sir." And these two records, Mr. DiGiovanni, will be certified to the district attorney in Kansas City, with a very strong recommendation that you be indicted and tried for perjury before this committee. This is a committee of the United States Senate, and we do not intend to take this sort of perjured testimony. To continue such testimony would continue to thwart the work of this committee unless we went to trouble enough and to the great detailed trouble of actually getting the records to confront you with them.

The motive undoubtedly of your perjuring yourself before this committee was because it might affect your liquor license, and there might be some other motive. It is not pleasant for the committee to do this, but I think your conduct on these two occasions before the committee leaves us no alternative but to make that recommendation.

That will be all now.

The CHAIRMAN. Mr. Manzello, will you come around.

(No response.)

Mr. Hundley, will you come around? Mr. Hundley, you have been sworn. Sit down, sir.

Mr. HALLEY. What is your name?

Mr. HUNDLEY. Harry Hundley.

Mr. HALLEY. You were sworn yesterday. You will be continued under oath.

Mr. HUNDLEY. Yes, sir.

TESTIMONY OF HARRY W. HUNDLEY, KANSAS CITY, MO.

Mr. HALLEY. What is your business?

Mr. HUNDLEY. I am in the tavern business, and the manager of the Western Specialty Co.

Mr. HALLEY. How long have you been manager of the Western Specialty Co.?

Mr. HUNDLEY. Since March 24, 1949.

Mr. HALLEY. Had you worked for Western Specialty before then?

Mr. HUNDLEY. Yes, sir.

Mr. HALLEY. Who employed you for Western Specialty?

Mr. HUNDLEY. Wolf C. Riman.

Mr. HALLEY. Wolf Riman.

Mr. HUNDLEY. Yes.

Mr. HALLEY. What were your duties with Western Specialty under Wolf Riman?

Mr. HUNDLEY. To collect loans, make loans, to get locations, to handle locations.

Mr. HALLEY. What is the nature of the business of Western Specialty?

Mr. HUNDLEY. Juke box company, pin ball machines.

Mr. HALLEY. It has juke boxes and pinball machines, is that correct?

Mr. HUNDLEY. Yes, sir.

Mr. HALLEY. It places them in various locations?

Mr. HUNDLEY. Yes, sir.

Mr. HALLEY. In Kansas City?

Mr. HUNDLEY. Yes, sir.

Mr. HALLEY. In Jackson County?

Mr. HUNDLEY. Yes, sir.

Mr. HALLEY. Any other places?

Mr. HUNDLEY. In Kansas City, Kans.

Mr. HALLEY. What is the general arrangement on which these juke boxes are placed in various establishments?

Mr. HUNDLEY. You mean the basis of pay?

Mr. HALLEY. Yes.

Mr. HUNDLEY. Fifty-fifty.

Mr. HALLEY. You mean you get 50 percent and the owner of the——

Mr. HUNDLEY. Establishment gets 50 percent.

Mr. HALLEY. Establishment may keep 50 percent?

Mr. HUNDLEY. Yes, sir.

Mr. HALLEY. You service it?

Mr. HUNDLEY. Yes, sir; and collect it and furnish the records.

Mr. HALLEY. You furnish the records and service it and collect the money and so forth.

Mr. HUNDLEY. Yes, sir.

Mr. HALLEY. Did you at one time have some slot machines?

Mr. HUNDLEY. Riman had some.

The CHAIRMAN. Speak a little louder, Mr. Hundley, so we can hear you.

Mr. HUNDLEY. Mr. Riman had some at one time, yes, sir.

Mr. HALLEY. How long ago?

Mr. HUNDLEY. He had some in 1948?

Mr. HALLEY. In 1948?

Mr. HUNDLEY. Yes, sir.

Mr. HALLEY. You do not have any now, though?

Mr. HUNDLEY. No, sir.

Mr. HALLEY. Did you at any time receive help or services from any of the deputy sheriffs in the sheriff's office of Jackson County?

Mr. HUNDLEY. They are friends of mine, yes, sir.

Mr. HALLEY. They are friends of yours?

Mr. HUNDLEY. Yes, sir.

Mr. HALLEY. Do they work or are they on the payroll of your company?

Mr. HUNDLEY. No, sir.

Mr. HALLEY. Were they ever on the payroll?

Mr. HUNDLEY. Some of them got a commission a time or two; yes, sir.

Mr. HALLEY. Weren't four of them on the payroll?

Mr. HUNDLEY. Three or four. I never handled it. Mr. Riman handled that.

Mr. HALLEY. Three or four of them drew a regular weekly pay, didn't they?

Mr. HUNDLEY. They drew monthly pay.

Mr. HALLEY. Monthly pay.

Mr. HUNDLEY. Yes, sir.

Mr. HALLEY. About how much?

Mr. HUNDLEY. That I don't know, sir.

The CHAIRMAN. \$90, wasn't it?

Mr. HUNDLEY. Approximately that.

Mr. HALLEY. That is what you testified yesterday. What were their duties? What did they do?

Mr. HUNDLEY. They rode the county and helped get locations.

Mr. HALLEY. If a tavern owner was dissatisfied with the location he had, would they call in and tell you you could go out there and sell a location?

Mr. HUNDLEY. They would call us and tell us to go out and see so and so, that they were dissatisfied with the company they were doing business with.

Mr. HALLEY. Then you were able to put your machines in their tavern?

Mr. HUNDLEY. Yes, sir.

Mr. HALLEY. What else did they do?

Mr. HUNDLEY. That is about all.

Mr. HALLEY. What were the names of these deputies?

Mr. HUNDLEY. The only two I ever talked to were Bill Donovan and John Heflin.

Mr. HALLEY. Bill Donovan and John Heflin.

Mr. HUNDLEY. Yes, sir.

Mr. HALLEY. Who were the other ones that worked for the company?

Mr. HUNDLEY. I don't know their names. I used to see them around the club once in awhile.

Mr. HALLEY. What club did you see them around?

Mr. HUNDLEY. Hillcrest Country Club.

Mr. HALLEY. That is where Mr. Riman lived?

Mr. HUNDLEY. Yes, sir.

Mr. HALLEY. There were some slot machines out there, too, weren't there?

Mr. HUNDLEY. I have seen some there; yes, sir.

Mr. HALLEY. Do some of these deputies still call from time to time to tell you where a pinball or a juke box machine might be located?

Mr. HUNDLEY. They don't call us, but I see them once in a while and ask them what is going on in the county.

Mr. HALLEY. They give you tips?

Mr. HUNDLEY. That is right.

Mr. HALLEY. Do you still pay them?

Mr. HUNDLEY. No, sir.

Mr. HALLEY. Mr. Riman was killed in 1949, is that right?

Mr. HUNDLEY. That is right, March 24.

Mr. HALLEY. Then you became the manager of the company?

Mr. HUNDLEY. Yes, sir.

Mr. HALLEY. Did Sheriff Purdome ever have anything to do with the company?

Mr. HUNDLEY. You mean with the Western Specialty?

Mr. HALLEY. Yes.

Mr. HUNDLEY. Not to my knowledge, no, sir.

Mr. HALLEY. Has he also helped in finding locations, making suggestions about the management?

Mr. HUNDLEY. No, sir. He never tries to tell me how to run it.

Mr. HALLEY. Does he come there from time to time?

Mr. HUNDLEY. Yes; I see him once in a while.

Mr. HALLEY. Does he come as often as two or three times a week?

Mr. HUNDLEY. Well, I see him two or three times a week average, I imagine, yes.

Mr. HALLEY. At the premises——

Mr. HUNDLEY. Sometimes there, sometimes when I am over at the courthouse I will go upstairs and see him, maybe eat my lunch up there at the jail.

Mr. HALLEY. How often does he come to the premises of the Western Specialty?

Mr. HUNDLEY. Oh, I would say a couple of times a week, probably.

Mr. HALLEY. What does he do when he gets there?

Mr. HUNDLEY. Just talks.

Mr. HALLEY. Mr. Riman also had a Western Liquor Co., is that right?

Mr. HUNDLEY. He had a building down there where the Western Liquor Co. was; yes, sir.

Mr. HALLEY. Western Wholesale Liquor Co., is that right?

Mr. HUNDLEY. That is true.

Mr. HALLEY. He obtained a Schenley distributorship, is that correct, just before his death?

Mr. HUNDLEY. I understood that they had, yes, sir. I don't know.

Mr. HALLEY. He went east to get that?

Mr. HUNDLEY. I know that is what he went east for; yes, sir.

Mr. HALLEY. Do you know who his partners were in the Western Wholesale?

Mr. HUNDLEY. I know who was around the place down there.

Mr. HALLEY. Who was around the place?

Mr. HUNDLEY. Marty Graham, Francis Roche, Charlie Baumbach, and Riman.

Mr. HALLEY. Was Sheriff Purdome around the place?

Mr. HUNDLEY. I don't believe I ever saw Sheriff Purdome down at Eighteenth and Highland.

Mr. HALLEY. Do you know whether he had an interest in the Western Wholesale?

Mr. HUNDLEY. No, sir.

Mr. HALLEY. You do not know?

Mr. HUNDLEY. No, sir.

Mr. HALLEY. Do you own a tavern in the city?

Mr. HUNDLEY. Yes, sir.

Mr. HALLEY. But you do a good deal of work around the county, is that correct?

Mr. HUNDLEY. For the music company I am in the county off and on.

Mr. HALLEY. You visit taverns frequently?

Mr. HUNDLEY. Once in a while, not too often.

Mr. HALLEY. A lot of your juke boxes are in taverns, aren't they?

Mr. HUNDLEY. Yes, sir.

Mr. HALLEY. You go out and supervise the servicing, don't you?

Mr. HUNDLEY. No, sir; we have men who do that.

Mr. HALLEY. But you get out there.

Mr. HUNDLEY. I get out there once in a while.

Mr. HALLEY. I think you testified yesterday that you were quite familiar with conditions in the county.

Mr. HUNDLEY. I go into the county once in a while; yes.

Mr. HALLEY. I believe you testified yesterday that it is quite a common thing for liquor to be sold in the county.

Mr. HUNDLEY. No; I didn't testify it was a common thing.

Mr. HALLEY. What do you think you testified?

Mr. HUNDLEY. I know what I testified to.

Mr. HALLEY. What did you testify to?

Mr. HUNDLEY. I testified that it is a rumor it is in the county. Myself, if I go to the county, I take a bottle with me.

Mr. HALLEY. I don't think you used the expression that it was a rumor. We were here and we heard you. Is liquor sold in the county? Isn't that generally known?

Mr. HUNDLEY. It is a general rumor that it is; yes, sir.

Mr. HALLEY. You say "it is the general rumor that it is"?

Mr. HUNDLEY. General knowledge.

Mr. HALLEY. Don't you know?

The CHAIRMAN. He said general knowledge. Do you say it is general knowledge that it is?

Mr. HUNDLEY. Yes, sir; I would say that.

Mr. HALLEY. You say it is general knowledge?

Mr. HUNDLEY. Yes, sir.

Mr. HALLEY. And it is your own general knowledge, too; is that right?

Mr. HUNDLEY. Yes, sir.

Mr. HALLEY. Of course it is illegal to sell liquor in the county except in bottles; is that right?

Mr. HUNDLEY. That is true.

Mr. HALLEY. We are talking about the taverns selling it in glasses by the drink; is that right?

Mr. HUNDLEY. That is correct.

Mr. HALLEY. Do you know how long this practice of allowing liquor to be sold in the county has been going on?

Mr. HUNDLEY. Ever since there have been taverns in the county, I guess.

The CHAIRMAN. You said last night if all the laws were really enforced out in the county, these taverns would all have to close down.

Mr. HUNDLEY. The people couldn't survive.

The CHAIRMAN. They couldn't survive. How many taverns are there out in the county outside of the city?

Mr. HUNDLEY. I would say there are 40, maybe 50 taverns.

The CHAIRMAN. Their particular operation comes into play after the closing hour in the city, doesn't it?

Mr. HUNDLEY. Yes, sir.

The CHAIRMAN. What is that, 1:30?

Mr. HUNDLEY. Yes, sir; on week days; 12 o'clock on Saturdays.

The CHAIRMAN. Then they move out into the county.

Mr. HUNDLEY. Yes, sir.

The CHAIRMAN. Which is generally known as pretty wide open.

Mr. HUNDLEY. That is where, if you want to continue, that is where you go, to the county.

The CHAIRMAN. If you want to continue on after the closing hours, that is where you go, to the county?

Mr. HUNDLEY. That is correct, sir.

The CHAIRMAN. How many pinball machines does this Western Specialty Co. have?

Mr. HUNDLEY. I would say approximately 135 or 140.

The CHAIRMAN. Where do you get them from?

Mr. HUNDLEY. You mean where we buy the machines?

The CHAIRMAN. Yes.

Mr. HUNDLEY. We buy them from the distributors here.

The CHAIRMAN. Are they made in Chicago?

Mr. HUNDLEY. Some of them probably are manufactured there. Chicago Coins are manufactured there, I know.

The CHAIRMAN. That is one of the kind you handled?

Mr. HUNDLEY. Yes. We have Chicago Coin, United, we buy them all here in Kansas City from the distributor.

The CHAIRMAN. How about the music box?

Mr. HUNDLEY. We buy them here.

The CHAIRMAN. But where are they made?

Mr. HUNDLEY. One kind we use is made in Chicago. I believe Seeburg is made in St. Louis, which is mostly what we have.

Aerons are made over in Kansas City, Kans.

The CHAIRMAN. How many music boxes do you have?

Mr. HUNDLEY. Approximately 135.

The CHAIRMAN. When you get a tavern or an installation, you try to get both the music box and the pinball machine?

Mr. HUNDLEY. Yes, sir.

The CHAIRMAN. Of course you would set up one without the other.

Mr. HUNDLEY. We have both, yes, sir.

The CHAIRMAN. You operate in several counties?

Mr. HUNDLEY. No.

The CHAIRMAN. Not just in Jackson County?

Mr. HUNDLEY. Just in Jackson County. We have a few machines in Kansas City, Kans., proper.

The CHAIRMAN. Most all of these 125 or 130 pinball and music machines are in taverns out in Jackson County outside of the city, is that correct?

Mr. HUNDLEY. I would say that we have got 25, maybe 20 maybe 30 in the county; something like that.

The CHAIRMAN. This is a very highly competitive business, isn't it, installing pinballs and music boxes? There are a lot of people in the business?

Mr. HUNDLEY. Over 30 in this town.

The CHAIRMAN. Over 30 people in the business?

Mr. HUNDLEY. Yes, sir. We have a music association here.

The CHAIRMAN. You mean 30 people or companies are doing the same kind of business you are?

Mr. HUNDLEY. Yes, sir.

The CHAIRMAN. Pinball machines and music boxes?

Mr. HUNDLEY. There are only five large companies, however.

The CHAIRMAN. Five large companies, but there are 30 altogether including the small ones?

Mr. HUNDLEY. Yes, sir.

The CHAIRMAN. Out in the taverns in the county outside of the city you have about 75 percent of the business, your company, don't you?

Mr. HUNDLEY. I would say just about 75 percent, yes, sir.

The CHAIRMAN. In other words, of about 30 taverns, you would have 24 or 25 of the places, something like that.

Mr. HUNDLEY. Something like that, yes, sir. I didn't look them up.

The CHAIRMAN. Do you think these deputy sheriffs being on the payroll of the Western Specialty Co. and visiting the taverns and reporting to you when they are dissatisfied with somebody else's music box or pinball machine may have been some help to you in getting this business?

Mr. HUNDLEY. No doubt it was, yes, sir.

The CHAIRMAN. You are quite sure of that.

Mr. HUNDLEY. Yes, sir.

The CHAIRMAN. Otherwise, they wouldn't have been paid \$90 a month, would they?

Mr. HUNDLEY. That \$90 a month, I remember seeing one check for that. I believe the boys got a commission. That is what I understand.

The CHAIRMAN. A commission. So whenever they get a location for you you think they were paid a commission?

Mr. HUNDLEY. Wolf took care of that.

The CHAIRMAN. Mr. Riman took care of that?

Mr. HUNDLEY. Yes, sir.

The CHAIRMAN. Mr. Riman as a matter of fact was a deputy sheriff himself, wasn't he?

Mr. HUNDLEY. Yes, sir.

The CHAIRMAN. Right up to the time he was killed.

Mr. HUNDLEY. Yes, sir.

The CHAIRMAN. He had a badge.

Mr. HUNDLEY. Yes, sir.

The CHAIRMAN. He went out some place here and got his badge out and really sort of threatened a tavern operator unless he was going to take his music box and pinball machine, didn't he?

Mr. HUNDLEY. Yes.

The CHAIRMAN. Who was that?

Mr. HUNDLEY. The Playhouse.

The CHAIRMAN. What did he do on that occasion? Were you with him?

Mr. HUNDLEY. No, sir.

The CHAIRMAN. They were going to take his place, they were going to take his music box or pinball machines. He got his badge out and shoved it at them; didn't he?

Mr. HUNDLEY. I wasn't there.

The CHAIRMAN. There was quite a ruckus about it; wasn't there?

Mr. HUNDLEY. There was an argument.

The CHAIRMAN. Did he carry on being deputy sheriff after that?

Mr. HUNDLEY. He was still deputy sheriff when he got killed.

The CHAIRMAN. How are they selected; appointed, elected, or how?

Mr. HUNDLEY. I believe they are appointed.

The CHAIRMAN. Are they paid salaries; do you know?

Mr. HUNDLEY. Yes, sir; they draw salaries.

The CHAIRMAN. They draw salaries from the county?

Mr. HUNDLEY. Yes, sir.

The CHAIRMAN. And commissions in addition to that?

Mr. HUNDLEY. Of that I don't know, sir.

The CHAIRMAN. You have been a former officer of the police of Kansas City?

Mr. HUNDLEY. Yes, sir; police officer.

The CHAIRMAN. When you left that you went with Mr. Riman?

Mr. HUNDLEY. First when I left there I went in the tavern business. When I left the police department and got sick, I went to the farm, down to my folks.

The CHAIRMAN. You went down to your folks?

Mr. HUNDLEY. I took a year's leave of absence, and when I came back I went in the tavern business and went over and resigned.

The CHAIRMAN. Then some time after that you joined up with Mr. Riman.

Mr. HUNDLEY. I went to work for Wolf Riman on January 1, 1948.

The CHAIRMAN. The Western Specialty Co. is really being operated by the administratrix of Mr. Riman's estate?

Mr. HUNDLEY. That is true.

The CHAIRMAN. That is Mrs. Riman.

Mr. HUNDLEY. Yes, sir.

The CHAIRMAN. She operates it?

Mr. HUNDLEY. Yes, sir.

The CHAIRMAN. Do you know what business the sheriff has in coming around to see you two or three times a week?

Mr. HUNDLEY. Sheriff Purdome and Mrs. Riman go together.

The CHAIRMAN. Mr. Riman and the sheriff were very close friends?

Mr. HUNDLEY. That is true.

The CHAIRMAN. Was he chief deputy or one of his deputies?

Mr. HUNDLEY. Just one.

The CHAIRMAN. How many deputies are there?

Mr. HUNDLEY. That I don't know, sir.

The CHAIRMAN. There is no question but that these deputies have been of great help to you in getting locations around the county?

Mr. HUNDLEY. That is true; yes, sir.

The CHAIRMAN. Anything else?

Mr. HALLEY. I don't think so, sir.

The CHAIRMAN. That is all, thank you, Mr. Hundley. Has Mr. Manzello come in? Officer, will you please try to find Mr. Manzello?

The committee will have a 5-minute recess. We will stand in recess for 5 minutes.

(Short recess.)

The CHAIRMAN. We will come to order.

Mr. Manzello, will you come around?

You do solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MANZELLO. I do.

The CHAIRMAN. Sit down, Mr. Manzello. All right, Mr. Halley.

TESTIMONY OF MIKE MANZELLO, KANSAS CITY, MO.

Mr. HALLEY. What is your full name?

Mr. MANZELLO. Mike Manzello.

Mr. HALLEY. And your address?

Mr. MANZELLO. 2240 Blue Ridge.

Mr. HALLEY. Do you own a tavern called the Playhouse at Twenty-second and Blue Ridge?

Mr. MANZELLO. Yes, sir.

Mr. HALLEY. And how long have you owned it?

Mr. MANZELLO. Since 1941.

The CHAIRMAN. Speak a little louder.

Mr. HALLEY. You have owned it since 1941?

Mr. MANZELLO. Yes, sir.

The CHAIRMAN. You have operated it since 1941?

Mr. MANZELLO. I opened up about 4 months, I think, last year.

Mr. HALLEY. For about a period of 4 months it was out of your hands?

Mr. MANZELLO. Yes.

Mr. HALLEY. Now you have it again?

Mr. MANZELLO. Yes.

Mr. HALLEY. Please speak up. We can just barely hear you. Take your time, no rush.

Mr. MANZELLO. O. K.

Mr. HALLEY. Did you know Wolf Riman?

Mr. MANZELLO. Well, I knew him, I met him one time at a meeting. I have heard of Wolf Riman. I met him at the Hillcrest.

Mr. HALLEY. At the Hillcrest Country Club?

Mr. MANZELLO. Yes, sir.

Mr. HALLEY. There was a meeting there about in February of '49, is that right?

Mr. MANZELLO. Yes, sir.

Mr. HALLEY. Would you tell the committee about that meeting?

Mr. MANZELLO. Well, they just called, the Tavern Association wanted to start a club and sent me a card to——

Mr. HALLEY. Please speak up.

Mr. MANZELLO. Sent me a card to——

The CHAIRMAN. Just a minute. I understand Judge Duncan is in the courtroom. Won't you come up and sit with the committee? The chairman had the pleasure of serving in the House of Representatives with Judge Duncan over a period of many years.

Judge DUNCAN. I was very proud of it.

The CHAIRMAN. We are very glad to welcome you here with us. If you will have a chair over here with us, we will be very pleased.

Judge DUNCAN. You just go ahead.

The CHAIRMAN. We appreciate the courtesy that you and the other judges and their staffs have given us.

Judge DUNCAN. It has been a pleasure to have you here, and we have enjoyed seeing you here. I am personally delighted to see you.

The CHAIRMAN. If he is as good a district judge as he was a Congressman, I know he must stand very high with the people and with the bar, in this section of the State.

Judge DUNCAN. Thank you.

Mr. HALLEY. The tavern owners were called together to form an association, is that right?

Mr. MANZELLO. Yes, sir.

Mr. HALLEY. And was Sheriff Purdome present?

Mr. MANZELLO. Yes, sir.

Mr. HALLEY. Was Wolf Riman present?

Mr. MANZELLO. Yes, sir.

Mr. HALLEY. Did Wolf Riman speak at this meeting?

Mr. MANZELLO. Not that I remember. I don't think he did.

Mr. HALLEY. Did Sheriff Purdome speak?

Mr. MANZELLO. Yes, sir.

Mr. HALLEY. What did he say?

Mr. MANZELLO. Well, he said he was going to Washington, and then he said that his speech would not be very long, he told the Tavern Association that he would not tolerate bootlegging or minors or gambling. That is about the extent of his speech.

Mr. HALLEY. But he does actually tolerate serving whisky, doesn't he?

Mr. MANZELLO. I don't know, sir. I couldn't answer that.

Mr. HALLEY. Don't you understand that to be so?

Mr. MANZELLO. He has arrested me.

Mr. HALLEY. He has arrested you?

Mr. MANZELLO. Yes.

Mr. HALLEY. How often?

Mr. MANZELLO. Well, I don't know. I think once or twice, if I am right.

Mr. HALLEY. What is the last time he arrested you?

Mr. MANZELLO. I imagine about a year ago.

Mr. HALLEY. About a year ago?

Mr. MANZELLO. Yes, sir.

Mr. HALLEY. Do you remember telling yesterday to a Mr. Garrett of our staff that Sheriff Purdome really does let some people sell whisky sometimes?

Mr. MANZELLO. No, I don't think I made that statement, sir.

Mr. HALLEY. Mr. Garrett made a memorandum of your conversation with him when you spoke to him. He said you thought the sheriff let people sell whisky sometimes.

Mr. MANZELLO. No, I didn't make that statement, sir.

Mr. HALLEY. Isn't it common knowledge that whisky is sold in the county?

Mr. MANZELLO. Yes, sir.

Mr. HALLEY. It is?

Mr. MANZELLO. Yes.

Mr. HALLEY. I am sorry, I didn't hear you.

Mr. MANZELLO. Yes, sir.

Mr. HALLEY. Thank you. And Wolf Riman is a creditor of a great many tavern owners, is that not right?

Mr. MANZELLO. I think so.

Mr. HALLEY. Do you have any of Riman's machines in your tavern?

Mr. MANZELLO. When I first started I had Riman's machines put in there by Joe Chambers.

Mr. HALLEY. Were they taken out?

Mr. MANZELLO. Yes, sir.

Mr. HALLEY. Why were they taken out?

Mr. MANZELLO. This friend of mine went into business and I just made a change.

Mr. HALLEY. You took your friend's machines?

Mr. MANZELLO. Yes, sir.

Mr. HALLEY. Did Riman from time to time urge you to take his machines?

Mr. MANZELLO. No, sir.

Mr. HALLEY. Did he once come into your tavern and show a deputy sheriff badge, say that you had better take his machines or he would get you closed up?

Mr. MANZELLO. No, sir.

Mr. HALLEY. We have just had testimony from somebody who worked for Mr. Riman who said that that happened.

Mr. MANZELLO. Well, it didn't happen in my place.

Mr. HALLEY. It did not happen in your place?

Mr. MANZELLO. No, sir.

Mr. HALLEY. Did Riman make any effort to get your business?

Mr. MANZELLO. No. Joe Chambers come back and wanted me to keep the machine.

Mr. HALLEY. Have you had any, did you ever have any disputes with Riman about it?

Mr. MANZELLO. No, sir.

Mr. HALLEY. Never at any time?

Mr. MANZELLO. No. We were out to the club there and we both had a few drinks, and he said something there which I don't remember, so we all went to the bar and had some drinks.

Mr. HALLEY. Well, you refused to join this association, didn't you?

Mr. MANZELLO. Yes, sir.

Mr. HALLEY. And you had quite an argument about it with Riman, isn't that true?

Mr. MANZELLO. No, sir.

Mr. HALLEY. You had an argument with him?

Mr. MANZELLO. I never had no argument with the man.

Mr. HALLEY. You refused to join the association.

Mr. MANZELLO. I sure refused; yes, I refused.

Mr. HALLEY. And Riman argued with you about it?

Mr. MANZELLO. No, he did not argue with me.

Mr. HALLEY. Didn't you have an argument there with him?

Mr. MANZELLO. I did not.

Mr. HALLEY. In front of all of those people?

Mr. MANZELLO. We was just, like I tell you, Riman was ribbing. I forget what he said to me, so we went to the bar and had four or five drinks together.

Mr. HALLEY. You mean——

Mr. MANZELLO. The whole bunch.

Mr. HALLEY. Ribbing you and not arguing?

Mr. MANZELLO. No, he was not arguing.

Mr. HALLEY. What do you mean by ribbing?

Mr. MANZELLO. I don't know, I don't know what that is.

Mr. HALLEY. You used the word.

Mr. MANZELLO. Just kidding.

Mr. HALLEY. What did he say, kidding?

Mr. MANZELLO. Well, I don't remember. I told you I had four or five drinks. I don't remember what he said.

Mr. HALLEY. Was it possible that he said something you didn't like?

Mr. MANZELLO. Well, probably he did.

Mr. HALLEY. After you refused to join the association, were you arrested?

Mr. MANZELLO. Yes, sir.

Mr. HALLEY. About a few weeks later, is that right?

Mr. MANZELLO. Yes, sir?

Mr. HALLEY. For selling half a pint of liquor?

Mr. MANZELLO. Yes, sir.

Mr. HALLEY. Who arrested you?

Mr. MANZELLO. Purdome, Jack Brice, and Delahanty.

Mr. HALLEY. They all came to your tavern?

Mr. MANZELLO. Yes.

Mr. HALLEY. And did any other tavern owners get arrested for selling whisky?

Mr. MANZELLO. Not that I know of, sir.

Mr. HALLEY. Do you know John Heflin and Bill Donovan?

Mr. MANZELLO. Yes, sir.

Mr. HALLEY. They are deputies of Sheriff Purdome?

Mr. MANZELLO. Yes, sir.

Mr. HALLEY. Are they on your payroll?

Mr. MANZELLO. Well, if you want to say payroll; they are there every week, I paid them to keep down trouble.

Mr. HALLEY. What do you pay them?

Mr. MANZELLO. Fifteen to twenty dollars a week?

Mr. HALLEY. Each?

Mr. MANZELLO. No, the two.

Mr. HALLEY. The two of them?

Mr. MANZELLO. Yes, sir.

Mr. HALLEY. That is to keep trouble down?

Mr. MANZELLO. Yes, sir.

Mr. HALLEY. Is that right?

Mr. MANZELLO. Yes.

Mr. HALLEY. Do they hang out around your place, or do they just come in once in a while?

Mr. MANZELLO. They come in once in a while.

Mr. HALLEY. And they come around every week for this money?

Mr. MANZELLO. Yes, sir.

Mr. HALLEY. And what is the purpose of the payment?

Mr. MANZELLO. Well, just to keep trouble down.

Mr. HALLEY. How long ago did you start paying them?

Mr. MANZELLO. I don't remember. I really don't remember.

Mr. HALLEY. Is it a matter of 2 or 3 years?

Mr. MANZELLO. Well, it is about a couple of years, yes. Business got bad there. I just stopped.

Mr. HALLEY. When did you stop?

Mr. MANZELLO. Well, just about 2 years.

Mr. HALLEY. Two years ago?

Mr. MANZELLO. Yes, sir.

Mr. HALLEY. You are doing it now, aren't you?

Mr. MANZELLO. No, sir.

Mr. HALLEY. You said you were.

Mr. MANZELLO. Doing what?

Mr. HALLEY. Paying them now.

Mr. MANZELLO. I am not paying them now.

Mr. HALLEY. You are not paying them now?

Mr. MANZELLO. No.

Mr. HALLEY. When did you last pay?

Mr. MANZELLO. I told you in the last 2 years.

Mr. HALLEY. Over how long a period did you pay them?

Mr. MANZELLO. About 18 or 19 months, maybe 20 months.

Mr. HALLEY. You are not paying them now any more?

Mr. MANZELLO. No, sir.

Mr. HALLEY. You are sure of that?

Mr. MANZELLO. Yes, sir.

Mr. HALLEY. And you haven't paid them for the last 2 years?

Mr. MANZELLO. No, sir.

Mr. HALLEY. But prior to that, you did it for 18 or 19 months?

Mr. MANZELLO. Yes, sir.

Mr. HALLEY. No further questions.

The CHAIRMAN. Did you pay them by check?

Mr. MANZELLO. No, cash.

The CHAIRMAN. How did you show that on your disbursements?

Mr. MANZELLO. I paid them out of my pocket.

The CHAIRMAN. That does not appear on your records, then?

Mr. MANZELLO. I didn't put it on my records.

The CHAIRMAN. Do they come around at a certain time of the week, every Saturday?

Mr. MANZELLO. Saturday.

The CHAIRMAN. Saturday afternoon?

Mr. MANZELLO. Saturday evening.

The CHAIRMAN. Saturday evening?

Mr. MANZELLO. Yes.

The CHAIRMAN. That is all, Mr. Manzello.

Mr. MANZELLO. Thank you.

The CHAIRMAN. Sheriff Purdome.

You solemnly swear the testimony you give this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. PURDOME. I do.

TESTIMONY OF J. A. PURDOME, SHERIFF, JACKSON COUNTY, MO.

Mr. HALLEY. What is your full name?

Mr. PURDOME. J. A. Purdome.

Mr. HALLEY. You are sheriff of Jackson County?

Mr. PURDOME. Yes; I am.

Mr. HALLEY. How long have you been sheriff?

Mr. PURDOME. Since January 1, 1945.

Mr. HALLEY. And about 1947, certain parts of your county were taken into the city, is that right?

Mr. PURDOME. That is true, yes.

Mr. HALLEY. Are you or are your responsibilities for law enforcement limited to the part of the county that lies outside of Kansas City or do you come into the city, too?

Mr. PURDOME. Well, we are charged, I suppose, by the supreme court with the law enforcement in general. However, with our

limited force, we do very, very well to police the unincorporated areas of Jackson County, as we have only 26 men that we are able to use for police work.

Mr. HALLEY. What is your total staff?

Mr. PURDOME. I have 100.

Mr. HALLEY. One hundred men?

Mr. PURDOME. Yes.

Mr. HALLEY. And of them what do the other seventy-odd men do?

Mr. PURDOME. Well, there is 14 that are occupied in the various courtrooms. We have 10 divisions of circuit court. They are used as bailiffs in the courtrooms, and the criminal, 1 criminal deputy to follow the criminal cases. Then we have 1 to service the county court, and then about 28 are used up in the guarding of the prisoners of the jail, the operation of the jail, 24 hours a day, three shifts, as we have about 300 prisoners to guard at all times, and about 30 men are used in civil division, serving civil process.

Mr. HALLEY. Were the ballots that were stolen in the contested primary election of 1946 in your custody at the time they were stolen?

Mr. PURDOME. No; they were not. They were in the custody of the election commissioners.

Mr. HALLEY. Where was the building in which they were kept?

Mr. PURDOME. They were kept in the basement of the courthouse.

Mr. HALLEY. And who was charged with the general duty of policing that courthouse?

Mr. PURDOME. Well, there is no one charged with the duties of policing the courthouse.

Mr. HALLEY. Just where is the courthouse located?

Mr. PURDOME. Twelfth and Oak.

Mr. HALLEY. Inside of the city?

Mr. PURDOME. Yes.

Mr. HALLEY. And isn't it under the general jurisdiction of the sheriff's office to provide protection for that courthouse?

Mr. PURDOME. Not necessarily, no.

Mr. HALLEY. Had you been providing protection for that courthouse?

Mr. PURDOME. Well, there are many times when a disturbance occurs that the police department are called.

Mr. HALLEY. Yes; but aside from those particular occasions do you keep a man at that courthouse?

Mr. PURDOME. Not to police the courthouse, no.

Mr. HALLEY. What do you keep him there for?

Mr. PURDOME. We keep three men on the desk and the jailers at the eleventh floor, and twelfth and thirteenth floors.

Mr. HALLEY. The jail there is under your custody, is that right?

Mr. PURDOME. Yes; that is true, but they do not police the courthouse in general.

Mr. HALLEY. Who does police that courthouse?

Mr. PURDOME. Well, there is no one that polices it.

Mr. HALLEY. Who keeps order in the courthouse?

Mr. PURDOME. Well, in the courtroom, the bailiffs.

Mr. HALLEY. And where is your office? Do you have an office in that courthouse?

Mr. PURDOME. On the eleventh floor.

Mr. HALLEY. Is there any light you can throw on the manner in which the room in that courthouse was broken into and the ballots stolen?

Mr. PURDOME. No; there isn't.

Mr. HALLEY. There is testimony here this morning that although the door was dynamited open, the police lieutenant in charge of the case said that he didn't think it had to be dynamited at all. Almost anybody could have broken that door open. Is that your understanding?

Mr. PURDOME. Well, I thought the door was rather secure. It was a vault door. However, I am not a lock expert. I would have thought the door was quite secure.

Mr. HALLEY. Were you consulted about it by the election commissioners before they deposited the ballots there?

Mr. PURDOME. No; we were not.

Mr. HALLEY. Who assigned this particular vault room to the election commissioners?

Mr. PURDOME. I presume the building management when the building was constructed. I have no knowledge of that.

Mr. HALLEY. Did you know that the ballots were in that room?

Mr. PURDOME. No; I did not.

Mr. HALLEY. You did not know that until after the theft?

Mr. PURDOME. No; I did not.

Mr. HALLEY. Did you know Wolf Riman?

Mr. PURDOME. Yes; I did.

Mr. HALLEY. He was a good friend of yours, I presume?

Mr. PURDOME. Yes; a very good friend.

Mr. HALLEY. You had made him a deputy sheriff?

Mr. PURDOME. Yes; I had.

Mr. HALLEY. Special deputy?

Mr. PURDOME. Special deputy.

Mr. HALLEY. He had a car with a siren and a light on it; is that right? There has been testimony that when he was killed the red lights and the siren were found on his car.

Mr. PURDOME. Yes; I think he did.

Mr. HALLEY. Did you have other special deputies who had similar commissions?

Mr. PURDOME. Yes; I had several.

Mr. HALLEY. Who were they?

Mr. PURDOME. Oh, it is quite difficult to think of all of their names. There are several, possibly 50 or 75 prominent businessmen in Kansas City.

Mr. HALLEY. Who have sirens on their cars?

Mr. PURDOME. Not necessarily sirens, but special deputies' commissions.

Mr. HALLEY. The business of assigning a special deputy's car, whether it is right or wrong, is quite common in many sheriff's offices, but how many of these special deputies did you authorize to have the sheriff's red light and siren on their automobile?

Mr. PURDOME. Oh, there are a number, I suppose, who still have. We rather encouraged it during the war, during civilian defense.

Mr. HALLEY. How would it help law enforcement to have Wolf Riman, for instance, having a siren and a red light on his automobile?

Mr. PURDOME. In case we ever needed him to use it in an emergency, I could have called on him.

Mr. HALLEY. Don't you think it was much more apt to be abused than useful?

Mr. PURDOME. I never knew of him abusing it.

Mr. HALLEY. Did you ever hear of Wolf Riman walking into a tavern and throwing his badge down and threatening the tavern owner with trouble unless he used Wolf Riman's machine?

Mr. PURDOME. I heard that testimony this morning, and it is the first time that I have heard it.

Mr. HALLEY. That complaint was never brought to your attention?

Mr. PURDOME. No; it was not.

Mr. HALLEY. Did you know that your deputies were working for Wolf Riman in selling locations for his pinball machines and juke boxes throughout the county?

Mr. PURDOME. That information came to me about a month before Riman's death. I called Wolf in and asked him about it, and reluctantly he admitted that he had paid two of the deputies over a period of possibly 2 years or so, that he had paid them an amount of about \$1,300, \$1,200 or \$1,300, something in that neighborhood. I have just forgotten the amount. I don't think he knew exactly himself. I told him to discontinue the practice. However, it isn't a violation at all, as I look upon it, but it isn't a very wholesome situation. He agreed that he would discontinue paying those deputies.

Mr. HALLEY. You agree certainly it is not wholesome when your deputies have a motive for favoring one man over another, particularly in the area of taverns where there is so much likelihood of trouble of one kind or another, is that right?

Mr. PURDOME. Yes, I agree, but—

Mr. HALLEY. Were there any other unwholesome conditions in your county?

Mr. PURDOME. May I interject one remark there, if you please.

Mr. HALLEY. Yes, of course.

Mr. PURDOME. As I understood it after interrogating the deputies, they were not selling his services. They would simply notify him in case of a place changing hands or in case of a new place going in or in case they heard of a tavern or anyone, drug store, confectionery, or anyone else that might be dissatisfied with the music service that they were using, they would suggest that they call Mr. Riman, and he paid them for their services in their off-duty times, I presume, according to their testimony to me.

Mr. HALLEY. Of course, they were on a commission and not a salary basis, you understand. That is what the testimony was.

Mr. PURDOME. I don't know about that arrangement. I presume it was.

Mr. HALLEY. So they would be under a certain temptation, at least, to find places that were dissatisfied with the juke boxes and pinball machines which they had.

Mr. PURDOME. That is your assertion. That is your opinion.

Mr. HALLEY. Wouldn't that be part of the unwholesomeness that you are talking about?

Mr. PURDOME. I don't know whether there was a temptation to them or not. I can't speak for them. But I can say that one of the men

received \$175 a month salary. The other man received \$200 a month, which is a rather limited salary.

Mr. HALLEY. So they were under various other types of temptation, too, I presume.

Mr. PURDOME. I have several men who work at other jobs, too, on their time off.

Mr. HALLEY. What sort of jobs do they work off?

Mr. PURDOME. We have one man who works for Skelly Oil Co. I have another man who resigned just a few days ago because of the fact that he had held two jobs for about 2 years for TWA. I have another man who is in the contracting business, in fact two who are in the contracting business, painting and paperhanging and so forth.

Mr. HALLEY. Those jobs wouldn't put them in a position where they had to favor one man against another in a highly competitive business where people are under temptation to violate the law. I am talking about jobs like the job Mike Manzello testified before where he paid for a period of 18 or 19 months two of your deputies to help him keep order in his tavern. Do you think that was a wholesome situation?

Mr. PURDOME. There are two ways of looking at it. That is partly the duty of the men who patrol the county. That is the duty that I impose upon them.

Mr. HALLEY. That is true, of course.

Mr. PURDOME. Trying to keep order in these various taverns.

Mr. HALLEY. So why should Mike Manzello have to pay them for doing their duty?

Mr. PURDOME. That I can't explain. I just heard the testimony. That is the first I have heard of that.

Mr. HALLEY. Did you also hear the testimony of Mr. Rainey, who said that he controlled about 5,000 votes in the county and that he could have his way and didn't have to worry about anybody because of that?

Mr. PURDOME. I heard his testimony. I don't think he worded his testimony exactly as you have expressed it.

Mr. HALLEY. I am trying to summarize it. How would you summarize it?

Mr. PURDOME. I don't recall all of his testimony.

Mr. HALLEY. We have talked about this before at the closed sessions. I think we understand each other. The fact is that Rainey had enough political following so that he was a pretty important fellow in the county, wasn't he?

Mr. PURDOME. Rainey has some votes; yes. He is I guess a pretty good politician, if you put it that way.

Mr. HALLEY. And your office is elective, of course.

Mr. PURDOME. Yes.

Mr. HALLEY. You wouldn't want to antagonize Rainey.

Mr. PURDOME. I just heard the testimony that Rainey a part of the time—I don't recall over just what period of time—had secretly operated a horse book in the White House.

Mr. HALLEY. I don't know anything about its being secret. I recall your having made the point when you testified at the closed session that you never saw the horse book in the White House.

Mr. PURDOME. That is true. As I understand from information that I have received that this horse book was operated upstairs in the

living quarters, and I was never upstairs in the living quarters. I have been in the restaurant, but never in the living quarters.

Mr. HALLEY. The White House operation went on over quite a bit of time, didn't it?

Mr. PURDOME. You see, I became sheriff the 1st of January of 1945.

Mr. HALLEY. You are still sheriff?

Mr. PURDOME. Pardon?

Mr. HALLEY. You are still sheriff?

Mr. PURDOME. Yes.

Mr. HALLEY. He was operating when you became sheriff, wasn't he?

Mr. PURDOME. He was operating the restaurant there.

Mr. HALLEY. And the horse book. So he testified.

Mr. PURDOME. Not to my knowledge.

Mr. HALLEY. Not to your knowledge?

Mr. PURDOME. No.

Mr. HALLEY. But you heard him so testify, didn't you?

Mr. PURDOME. Yes; I heard the testimony.

Mr. HALLEY. Can you explain why as soon as that White House was moved, not moved, but as soon as the city limits were extended so that the White House came under the jurisdiction of the city police, they were able to find this secret horse book and raid it and close it down, whereas you were unable to?

Mr. PURDOME. You have asked me to explain that. In that territory we have two patrol cars to patrol the entire county over a period of 24 hours, two and sometimes three on each shift. The patrol car that formerly patrolled when that area was in the county, the patrol car that patrolled that area also patrolled about 250 square miles of other territory, that one patrol car, whereas when it came into the city I think the city asked for 15 additional policemen to patrol that area, and they are doing a very, very good job.

Mr. HALLEY. Of course, you yourself were in the White House occasionally, weren't you?

Mr. PURDOME. Yes. I think we arrested Rainey there one night.

Mr. HALLEY. What did you arrest him for?

Mr. PURDOME. Selling whisky.

Mr. HALLEY. For selling whisky. But you never bothered the horse book?

Mr. PURDOME. I didn't know the horse book was there. Had I known it was there, I would have raided it.

Mr. HALLEY. How do you account for the fact that, as Rainey testified, after the city raided the horse book he moved out again into the county to another location at the Plantation? Do you think he felt that perhaps law enforcement in the county was a little laxer?

Mr. PURDOME. I didn't know he was at the Plantation.

Mr. HALLEY. You heard his testimony, though.

Mr. PURDOME. I didn't hear that part of it. Perhaps I was not in the room at that time.

Mr. HALLEY. Did you ever know that there was gambling at the Half Hill Tavern?

Mr. PURDOME. No; I didn't.

Mr. HALLEY. Not at the present time, but back in the previous days before 1947. You never heard that?

Mr. PURDOME. No; I didn't.

Mr. HALLEY. Do you know of any other places where you have heard of there being gambling in the county?

Mr. PURDOME. Not in rural Jackson County. If the committee has a few minutes of time, I might give you a list of a few places that I have raided and closed not only in Jackson County but in the city limits.

Mr. HALLEY. For gambling?

Mr. PURDOME. For gambling, yes.

Mr. HALLEY. I wish you would.

Mr. PURDOME. This has been in recent years, in the past 2 years, possibly. We raided the Sante Fe and picked up three slot machines. We picked up two slot machines in the city limits that were operated by George Luther and arrested Mr. Luther. We raided a place called Seldom Seen. The place was raided at Fourteenth and Campbell; 16 arrests. We raided Pete Carrola at Fifth and Grand; 19 arrests. We raided Nigro's place at Third and Main and arrested 12 and closed it up. We raided an old bakery—I led this raid personally—at Eighteenth and Harrison; 10 arrests. We raided Mark's S. & S. Club at Thirty-first and Main; 51 arrests. We raided Charlie Muchler's Celery House at Third and Walnut, and there was insufficient evidence, and we closed it up. We raided and closed up Gay Gad Club with a search warrant. That is on Vine and Cottage.

And 1800 East Thirty-first Street. That is a place that there has been some testimony offered here, and there was a considerable article in the Star. I went through the place the following day, and there was no gambling there at that time. There was evidence that the room perhaps was fitted up for that purpose, but at that time there was no one there. I had to go to the back door and up the back steps and open the back door.

Mr. HALLEY. Of course, the important thing—

Mr. PURDOME. At 801 Main Street, I closed that place up. 1611 East Twelfth Street, I think, we arrested about 50 there. Thirty-second and Main, the place was closed.

The old Porter Building. We had evidence that there was a crap game there. We were unable to find anything but a buzzer system, and we closed the place up, and tore out the buzzer. We raided the Old Kentucky Barbecue. There was no evidence at the time of any gambling, but there was some evidence that there had been gambling, and we closed it up.

We raided a game out at Emmon Park and arrested seven people. We raided the basement of the Commonwealth Hotel and closed that place up. A crap game down at Atherton—that was in the county—and we closed it. We arrested three, the operators of the game. Then there has been some testimony of a place at 3111 Holmes, in which the prosecutor called on us to assist him in closing the place. It seems that in former raids they had been unable to get sufficient evidence, and the prosecutor asked us to help. We assigned a car with a prosecutor, one of the assistant prosecutors, to patrol that area in there, and the place never reopened.

Mr. HALLEY. How many raids do you count there?

Mr. PURDOME. Twenty, over a period of a year and a half.

Mr. HALLEY. And, of course, that is a year and a half after which two grand juries began operating and actively investigating crime in this area.

Mr. PURDOME. That was prior to the operation of the grand juries.

Mr. HALLEY. How far back does your record go now? A year and a half will take you back to the beginning of, say, 1949.

Mr. PURDOME. Well, it was possibly earlier than that. Perhaps some of it might have been done—I am not certain of that—but the majority of it was done prior to the grand-jury investigations.

Mr. HALLEY. Over how long a period?

Mr. PURDOME. Oh, possibly a year and a half.

Mr. HALLEY. During a period when a great deal of pressure was on all law enforcement officers to show some record; isn't that right?

Mr. PURDOME. No; that isn't true.

Mr. HALLEY. Isn't the important thing who you didn't raid, but rather who you did raid?

Mr. PURDOME. We raided everyone that I had knowledge of.

Mr. HALLEY. Did you ever raid the slot machines at the Hillcrest Club?

Mr. PURDOME. No knowledge came to me that there were slot machines there, and there have been no slot machines there since 1948; I think the first of 1948.

Mr. HALLEY. Did you raid them before 1948?

Mr. PURDOME. No; we never made any arrest there.

Mr. HALLEY. Did you ever raid any of the other slot machines that were running in the county?

Mr. PURDOME. I don't recall raiding any other slot machines.

Mr. HALLEY. Did you ever raid any of Wolf Riman's other slot machines?

Mr. PURDOME. To my knowledge, Wolf Riman didn't have any other slot machines in Jackson County.

The CHAIRMAN. Any other. Where did he have slot machines?

Mr. PURDOME. Well, it is presumed that he had them there at Hillcrest. He just spoke of Hillcrest, and to my knowledge he had no slot machines. In fact, I never knew that he was operating or had any slot machines.

The CHAIRMAN. What do you call a "coin machine"? Is that a slot machine?

Mr. PURDOME. Well, I think coin-operated devices are cigarette machines, music boxes, pinball, and anything that is operated by a coin; candy machines, for instance.

Mr. HALLEY. When did you make the arrest for liquor selling at the White House?

Mr. PURDOME. I don't—

Mr. HALLEY. Did you arrest Rainey personally?

Mr. PURDOME. Yes; I think I was there the night—

Mr. HALLEY. Was he arrested?

Mr. PURDOME. Yes.

Mr. HALLEY. He personally was arrested?

Mr. PURDOME. Yes.

Mr. HALLEY. Did you have an argument with him about it?

Mr. PURDOME. No.

Mr. HALLEY. Have you been friends ever since?

Mr. PURDOME. Yes.

Mr. HALLEY. What happened as a result of that arrest? Was he fined?

Mr. PURDOME. I think so. I am not certain. I think he was fined.

Mr. HALLEY. Had there been a complaint?

Mr. PURDOME. Yes; there had been a complaint.

Mr. HALLEY. You mean a complaint was filed with your office? Is that right?

Mr. PURDOME. I don't recall just the ramifications.

Mr. HALLEY. What did you do after you got the complaint? Did you call Rainey up and say, "I better come over there and make an arrest, take the heat off this thing?"

Mr. PURDOME. No; not at all.

Mr. HALLEY. You got a complaint and went over and caught Rainey selling liquor; is that right? Is that what happened?

Mr. PURDOME. I think we had a warrant. We had a complaint and had the evidence, and I think we arrested him on a warrant. I am not certain of that.

Mr. HALLEY. Who came and swore out a warrant?

Mr. PURDOME. As I said, I don't know.

Mr. HALLEY. It wasn't a member of your force; was it?

Mr. PURDOME. I don't remember.

Mr. HALLEY. A member of the public came in and complained? A citizen?

Mr. PURDOME. I don't know. I just don't remember just how the warrant came about.

Mr. HALLEY. If that is the way it was, you would not really want to take credit of going over there and arresting Walter Rainey as an example of your vigilance to enforce the law. Would that be right?

Mr. PURDOME. I certainly don't want to take credit for anything I don't do.

Mr. HALLEY. You arrested him. You should get credit for that, if you did.

Mr. PURDOME. Yes.

Mr. HALLEY. But somebody made a complaint to your office, swore out a warrant; is that right?

Mr. PURDOME. Again I tell you I don't know how the complaint came about exactly.

Mr. HALLEY. When somebody does make a complaint and swears out a warrant, you have to make an arrest. Isn't that so? There is not much else you can do about it as sheriff?

Mr. PURDOME. Certainly, when we have a warrant in our possession, we execute it.

Mr. HALLEY. That is right. While you were there executing that warrant in accordance with your right as a law officer to execute a lawful warrant of arrest, did you make a search of the premises?

Mr. PURDOME. I don't recall whether we searched the place or not. Perhaps we did.

Mr. HALLEY. And did you find a horse book?

Mr. PURDOME. Well, if we had made a search without a search warrant, we certainly would not have searched the living quarters.

Mr. HALLEY. You arrested the man, didn't you?

Mr. PURDOME. Yes.

Mr. HALLEY. You are allowed to search the premises of a man that is arrested.

Mr. PURDOME. I doubt that, and living quarters—remember, I am under \$50,000 bond.

Mr. HALLEY. In any event, you did not search?

Mr. PURDOME. We don't make searches without a search warrant.

Mr. HALLEY. Have you heard the testimony that it is common knowledge that liquor is sold around the county in violation of the law?

Mr. PURDOME. I just heard that testimony here; yes.

Mr. HALLEY. Had that common knowledge come to your attention?

Mr. PURDOME. No. I think many people are under a misapprehension as to the laxity in the county perhaps. You see, taverns in the county have no closing hours. Those who have 3.2 licenses—and the majority of them are 3.2 licenses—must refrain from the sale of liquor or beer. Rather, strike the liquor out; it is beer, 3.2 beer, they must refrain from the sale from 1:30 in the morning until 6 o'clock the following morning. Now, they are allowed to remain open. There is no law that permits us to close those places, and they may continue to stay open and dance or sell food or soft drinks for that period of 1:30 to 6 o'clock if they so desire, but they cannot sell beer after 1:30. That is why the general exodus, as we might say, at 12 o'clock, particularly on a Saturday night from the city into the county, because they can legally buy beer until 1:30, and after that they remain open; and if they happen to buy a bottle and take a bottle in their pocket, they mix their drinks. Up until 1947, a 10-year-old child could walk into a tavern in Jackson County and legally buy beer on Sunday. Those were the liquor laws.

Mr. HALLEY. You have peculiar sets of laws with which to deal. There is no doubt about that. But isn't it generally the practice for tavern owners to sell liquor as well as beer?

Mr. PURDOME. No; it is not.

Mr. HALLEY. Isn't it considered to be the practice? Isn't that the common knowledge in your county?

Mr. PURDOME. No; it isn't common knowledge.

Mr. HALLEY. Do you feel that any of your other deputies, besides those about whom we have been able to get specific evidence here, have been being paid by tavern owners in the county?

Mr. PURDOME. I don't feel that they are.

Mr. HALLEY. Do you think that any of them are being paid by any juke-box or pinball operators other than Mr. Riman?

Mr. PURDOME. Not to my knowledge. I have no indications whatever, and as I told you before, the practice of Mr. Riman ceased prior to his death.

Mr. HALLEY. When you found out about that practice, did you institute a general investigation among your staff to see who was getting paid off?

Mr. PURDOME. Yes, I did.

Mr. HALLEY. Did you do that as a matter of record?

Mr. PURDOME. No.

Mr. HALLEY. Did you know before today that Manzello was paying two of your staff?

Mr. PURDOME. No; I did not.

Mr. HALLEY. Do you intend to do anything about that?

Mr. PURDOME. Yes. I will expect to make some corrective measures.

Mr. HALLEY. It is not a good thing to have it rumored about the county—is it?—that tavern owners pay money to the deputy sheriffs. Would you agree to that?

Mr. PURDOME. That is true. It isn't a wholesome situation. However, I think I can understand why he did that. Possibly on Saturday nights these men, Hefflin and Donovan, that he referred to, worked days. They worked from 8 o'clock in the morning until 4 in the afternoon, and during the evening they possibly assisted him around on the parking lot and helped to keep down trouble. I think that was it; that the money was paid for a legitimate purpose. I think that was their intention in accepting it; and, from his testimony, I believe that was his intention for paying.

Mr. HALLEY. You seem to be seeking for excuses. Have you given any thought to what his other motives might have been for paying? You are a law-enforcement officer. You should at least look at both sides of the thing.

Mr. PURDOME. It is quite true. However, this just came to my attention this morning.

Mr. HALLEY. And it just came to your attention, after the city closed up the White House, Rainey moved out to the Plantation to continue his bookmaking; is that right?—the Plantation then being in the county and not in the city.

Mr. PURDOME. The Plantation changed hands two or three times during a period of a year or two, and to my knowledge Rainey never owned the plantation. I don't even know that he was connected here.

Mr. HALLEY. I have no other questions.

The CHAIRMAN. Sheriff, it came to your attention sometime back that Mr. Riman was paying his deputy sheriffs to help him get installations, didn't it?

Mr. PURDOME. I wouldn't say paying to help get installations, perhaps recommending his services.

The CHAIRMAN. Yes; that is right. Anyway, they were on his payroll, and he had all these coin machines and juke boxes. What has happened to those deputy sheriffs?

Mr. PURDOME. They are still with our force.

The CHAIRMAN. Do you know whether they are being paid now or not?

Mr. PURDOME. I am reasonably certain they are not, or no one is being paid.

The CHAIRMAN. You knew that Riman loaned a lot of money to a good many of these tavern operators, didn't you? He had financed a good many of them.

Mr. PURDOME. I gained that knowledge largely during the investigation after Riman's death.

The CHAIRMAN. Anyway, sometime or another you had that knowledge, didn't you?

Mr. PURDOME. Yes.

The CHAIRMAN. Riman was a deputy sheriff all during your term of office since you have been sheriff, or shortly after you were elected and sworn in; is that right?

Mr. PURDOME. As I recall, Riman was a deputy sheriff during Williams' administration and I think also during my predecessor's, Granville Richards. I am not certain of that. But he has been during my administration.

The CHAIRMAN. You have a deputy sheriff over in Oklahoma, haven't you, Mr. Purdome?

Mr. PURDOME. I perhaps have one——

The CHAIRMAN. Who lives in Oklahoma? Do you have a deputy sheriff who lives in Oklahoma?

Mr. PURDOME. I perhaps do—an honorary deputy sheriff.

The CHAIRMAN. What is his name?

Mr. PURDOME. I don't know. I have several honorary deputy sheriffs—some in California. Joe E. Brown, for instance.

The CHAIRMAN. Do you know the one in Oklahoma that I am asking about?

Mr. PURDOME. I don't.

The CHAIRMAN. Sheriff——

Mr. PURDOME. Would you mention his name?

The CHAIRMAN. I had his name. I think I can get his name.

Mr. WHITE. Wasn't there one named Murphy that was arrested by the police for bootlegging a short while ago?

Mr. PURDOME. Murphy?

Mr. WHITE. Was there any deputy of yours arrested for bootlegging in Oklahoma a short time ago? Wasn't that called to your attention?

Mr. PURDOME. No.

The CHAIRMAN. Mahoney, I think, is the name. Is he a deputy sheriff of yours?

Mr. PURDOME. No.

The CHAIRMAN. In Oklahoma?

Mr. PURDOME. No.

The CHAIRMAN. That is the name I was thinking about.

Mr. PURDOME. Not to my knowledge.

The CHAIRMAN. If he was a deputy sheriff, you would know about it, wouldn't you? I mean, after all, you appoint them, don't you?

Mr. PURDOME. I don't recall the name Mahoney being a deputy sheriff. The point I meant to make there is that I didn't know of anyone being arrested in Oklahoma by the name of Mahoney.

The CHAIRMAN. But you know the names of all your deputy sheriffs, honorary and otherwise, don't you, Sheriff?

Mr. PURDOME. It would be difficult to name all of them; yes.

The CHAIRMAN. But these ones that you bestow a great honor on in some other State, you certainly would know their names, wouldn't you? If you thought enough of them to make them an honorary deputy sheriff, you would know their names.

Mr. PURDOME. Well, I perhaps would, but I don't make any connection at all with the name Mahoney.

The CHAIRMAN. I mean, do you know the names of your honorary deputy sheriffs in other States?

Mr. PURDOME. I perhaps have a list of them, but I couldn't recite their names.

The CHAIRMAN. Sheriff, how do you get to be an honorary deputy sheriff? Wouldn't it be somebody that you knew well enough to have confidence in?

Mr. PURDOME. Yes; quite so.

The CHAIRMAN. You would certainly know all of their names, wouldn't you?

Mr. PURDOME. Yes; and I don't recall the name Mahoney.

The CHAIRMAN. Who are your deputy sheriffs in Oklahoma?

Mr. PURDOME. I don't recall any there.

The CHAIRMAN. You don't think you appointed any?

Mr. PURDOME. It could be possible, but I——

The CHAIRMAN. Sheriff, until right recently your salary was \$7,750 a year, wasn't it? It has been raised to about \$8,500, I think now?

Mr. PURDOME. \$5,000, I think, until the raise.

The CHAIRMAN. Anyway, in 1938 your salary was \$7,750 a year; is that correct?

Mr. PURDOME. I was not sheriff in 1938.

The CHAIRMAN. I mean in 1948.

Mr. PURDOME. In 1948, yes; that is true.

The CHAIRMAN. You also had a trustee sales item of income in 1948 of about \$464, didn't you?

Mr. PURDOME. That could be right. I don't have the figures before me. That is possibly right.

The CHAIRMAN. If that is what you testified in the executive hearing, that would be correct, you think?

Mr. PURDOME. Yes, reasonably correct.

The CHAIRMAN. In addition to that, you have a miscellaneous income of \$1,500 which you say was for operating a commissary; is that correct?

Mr. PURDOME. Yes, that is true.

The CHAIRMAN. Why are you entitled to any compensation for operating that commissary. You have a commissary where prisoners can buy things and you take \$1,500 out of that for your trouble in running it? Is that the way it operates?

Mr. PURDOME. Yes; that is true.

The CHAIRMAN. That is an additional compensation to your being sheriff?

Mr. PURDOME. That is right.

The CHAIRMAN. Wouldn't you consider that that sort of thing would come under your ordinary duties as sheriff?

Mr. PURDOME. No, I would not. There is nothing at all in the statute that directs me to provide these services to the prisoners.

The CHAIRMAN. Most of this commissary business is business of the prisoners?

Mr. PURDOME. Yes, by and large, also the deputies, the employees who work around the office.

The CHAIRMAN. Then you also have an item of income apparently every year—for instance in 1948 I believe you testified to \$4,089 of fees from Federal Government prisoners; is that correct?

Mr. PURDOME. If you have the figures, I presume they are correct, yes.

The CHAIRMAN. You remember that that is substantially the amount, don't you?

Mr. PURDOME. Yes, sir.

The CHAIRMAN. What is that for, handling Federal prisoners?

Mr. PURDOME. Yes. We have a contract with the Federal Government or perhaps I should say the marshal, also with immigration, to feed and care for the Federal prisoners that are brought to our jail.

Mr. PURDOME. Yes; that is paid directly to me, and I in turn pay the county their share.

The CHAIRMAN. That is supposed to be paid to you for the purpose of feeding and taking care of the prisoners, isn't it? Isn't that what that payment is supposed to be for?

Mr. PURDOME. Yes.

The CHAIRMAN. At the rate of 75 cents a day, I believe it is.

Mr. PURDOME. A dollar a day.

The CHAIRMAN. A dollar a day. The county pays the food bill for feeding the prisoners, doesn't it?

Mr. PURDOME. Yes; that is true.

The CHAIRMAN. Then why is this \$4,089 listed as your personal income when it is supposed to be to reimburse the county for feeding prisoners?

Mr. PURDOME. Just because I have made this contract with the Government for \$1 a day. There is a declaratory judgment directing me to pay to the county funds as provided by law and the law, the statutes state that the county shall be reimbursed to the extent of 75 cents per day. The county receives the difference between what it actually takes to care for these prisoners and the 75 cents. I would be at liberty, if I saw fit, to contract with the Government for 75 cents per day and give the county all of the money. The county receives the profit between the amount that it actually takes to provide for the prisoners and the 75 cents, which is usually about possibly a profit of 24 cents or 25 cents a day. It varies according to the price of the provisions. The balance the law directs me to retain. There is a declaratory judgment in the circuit court on that point. I feel that it is simply a contract between myself and the Government. I am at liberty, as I say, to contract for 80 cents a day and retain only a nickel and pay the county the balance, or I may contract for 76 cents a day and retain only 1 penny and pay the balance to the county, but I am obliged to pay the county 75 cents a day.

The CHAIRMAN. You have a contract with the Federal Government then whereby you get a dollar a day?

Mr. PURDOME. That is true.

The CHAIRMAN. For taking care of prisoners?

Mr. PURDOME. Yes.

The CHAIRMAN. This dollar a day in 1948 amounted to \$4,089.

Mr. PURDOME. Yes.

The CHAIRMAN. All of which you listed as your own personal income.

Mr. PURDOME. That is true.

The CHAIRMAN. What did you pay the county in 1948?

Mr. PURDOME. I don't recall, but I would imagine it would be something in the neighborhood of that figure there.

The CHAIRMAN. So your point is that you think that if it costs you 53 cents a day to feed the prisoners then you can keep the difference between the 53 cents and the \$1.

Mr. PURDOME. No, not at all. I pay the county the difference between the 53 cents and the 75 cents, and I retain the difference between 75 cents and a dollar. I retain 25 cents on every prisoner.

The CHAIRMAN. Did this 25 cents amount to \$4,089 in 1948?

Mr. PURDOME. Yes; it evidently did.

The CHAIRMAN. The 25 cents amounted to the \$4,089 that you listed in your income in 1948?

Mr. PURDOME. Yes; evidently that is correct.

The CHAIRMAN. That would mean that you must have handled Federal prisoners for a total of 16,000 days; that is, that you had prisoners during that many days.

Mr. PURDOME. We sometimes have as many as 50 prisoners for the Government and sometimes it even runs higher.

The CHAIRMAN. Isn't the purpose of reimbursing the county for taking care of prisoners so that the Federal Government is going to pay money for which it gets value received? There is not supposed to be any profit made on what the Federal Government pays you to take care of prisoners, is there? If there is a profit, shouldn't that belong to the county and not to the sheriff personally?

Mr. PURDOME. I don't think so.

The CHAIRMAN. You have a declaratory judgment saying you can keep this difference?

Mr. PURDOME. Yes, we do.

The CHAIRMAN. What case is that in?

Mr. PURDOME. The judgment was rendered in Judge Broadus' court. I don't recall the case number. The circuit court in Kansas City.

The CHAIRMAN. It was a case brought by you?

Mr. PURDOME. Yes.

The CHAIRMAN. What was the purpose of the case to determine?

Mr. PURDOME. I will correct that. As I recall, the case was brought by the county court. I think the county court was the plaintiff, and I was the defendant in the case.

The CHAIRMAN. It is on the basis of that case that you have kept this difference in the amount of money?

Mr. PURDOME. Certainly. I feel that it is mine, that I am entitled to it.

The CHAIRMAN. How do you transmit the county's part of the money to the county? Do you send them a check?

Mr. PURDOME. Yes.

The CHAIRMAN. Do you know how much you sent the county in 1948 which came from the Federal Government?

Mr. PURDOME. I think you just asked me that question, Senator. I am not certain—

The CHAIRMAN. According to your figure.

Mr. PURDOME. It would be something near the amount that I retained.

The CHAIRMAN. Well, if you retained \$4,089 and you got 25 cents of every dollar that came in, then I take it the county's part would be three times that, would it not, or something over \$12,000. That is, if you sent the county 75 cents of every dollar that came in and you kept 25 cents, why, then I take it the county's share, what they should have received would be three times that.

Mr. PURDOME. That is the gross amount; yes. It would be the county's checks that would be received by the county, would be three times what I retained. However, the profit to the county quite naturally would be that great.

The CHAIRMAN. The profit to the county would be the difference between 53 cents and 75 cents.

Mr. PURDOME. Assuming that 53 cents was the mean figure that we would use.

The CHAIRMAN. Do these checks come to you as sheriff of Jackson County, or how do they come to you from the Federal Government?

Mr. PURDOME. I am quite sure they come to me personally.

The CHAIRMAN. Come to you personally?

Mr. PURDOME. Yes.

The CHAIRMAN. Anyway, you cash them personally and put them in your personal account?

Mr. PURDOME. We deposit those checks in a special account.

The CHAIRMAN. How is that special account listed?

Mr. PURDOME. I think it is listed as "Special account."

The CHAIRMAN. And out of that you pay the county some amount of money.

Mr. PURDOME. Yes; either quarterly or semiannually. We tender the county a check and myself a check.

The CHAIRMAN. And what county official do you send the check to?

Mr. PURDOME. Trustin Kirby, the treasurer.

The CHAIRMAN. Does the Federal Government know that you are making a 25 percent profit, personal profit, out of each one of these prisoners?

Mr. PURDOME. I don't know whether they have that information or not.

The CHAIRMAN. Now, Sheriff, getting back to this Robert Mahoney, do you know Robert Mahoney, from Pawhuska, Okla.? Did Officer L. E. Wyatt talk with you about Robert Mahoney having been arrested driving a 1947 black Cadillac sedan with a red spotlight on the left cowl, having a siren?

Mr. PURDOME. When was that?

The CHAIRMAN. 1947.

Mr. PURDOME. Robert Mahoney? Yes, I know Robert Mahoney.

The CHAIRMAN. Was he one of your honorary deputy sheriffs?

Mr. PURDOME. In 1947, perhaps he was.

The CHAIRMAN. Why perhaps? Was he an honorary deputy sheriff in 1947?

Mr. PURDOME. Yes; I know who you mean now quite well.

The CHAIRMAN. I used the same name, Mahoney, a little while ago, sheriff.

Mr. PURDOME. Oklahoma, speaking of Oklahoma, I never knew that the man lived in Oklahoma or had any connections in Oklahoma.

The CHAIRMAN. Where did you think he lived?

Mr. PURDOME. Kansas City.

The CHAIRMAN. In what business was he?

Mr. PURDOME. He was in the tavern business.

The CHAIRMAN. And he was picked up and arrested for possessing whisky, wasn't he?

Mr. PURDOME. I don't know about that.

The CHAIRMAN. Well, you were informed of that. Mr. Wyatt informed you that he had arrested this man in a big black Cadillac. He had a red spotlight on the left cowl, and had a siren, like your deputy sheriffs do. He got in touch with you, this man said he was a deputy sheriff under you, and in business with W. C. Riman in the operation of several local taverns, and that you vouched for the man, said he was one of your deputy sheriffs. Does that refresh your recollection about it?

Mr. PURDOME. I still don't recall the conversation with the Oklahoma officer.

The CHAIRMAN. But you do remember—

Mr. PURDOME. But I do remember Robert Mahoney, and in 1947, Mahoney was going to take quite a trip, as I recall, and he asked me for a special deputy's commission, or a courtesy card, so to speak, and I know Mahoney quite well.

The CHAIRMAN. So you made him a special deputy sheriff?

Mr. PURDOME. Yes.

The CHAIRMAN. And you did know that he got arrested on a whisky charge while he was a special deputy sheriff; didn't you?

Mr. PURDOME. I don't recall that. I don't recall the conversation with the Oklahoma officer.

The CHAIRMAN. You would not be surprised if that were true, would you?

Mr. PURDOME. It could easily be true, because I know Robert Mahoney.

The CHAIRMAN. And he is in whisky business, and he has been in the bootlegging business?

Mr. PURDOME. I don't know that he was in bootlegging business. I knew he was in the tavern business. I did not know he was in the bootlegging business.

The CHAIRMAN. It was generally understood that he sold whisky, wasn't it?

Mr. PURDOME. No; I would not say that he had that reputation.

The CHAIRMAN. Well, he operated several taverns with W. C. Riman, you knew that.

Mr. PURDOME. I only knew of one. He at one time operated the Traffic Way Tavern out on Twenty-seventh Street, Twenty-seventh and Jackson.

The CHAIRMAN. Are most of these tavern operators special deputy sheriffs?

Mr. PURDOME. No.

The CHAIRMAN. Why would you pick him out?

Mr. PURDOME. Well, I went deer hunting with Bob Mahoney and became quite well acquainted with him. It was in, I think it was 1946—no, it was 1945 or 1946.

The CHAIRMAN. One more matter. What business do you have coming around to Mr. Riman's novelty company two or three times a week, Sheriff?

Mr. PURDOME. What business?

The CHAIRMAN. Yes, sir. Have you got an interest in that business, or why do you come around there?

Mr. PURDOME. I have no interest in the business other than Mrs. Riman and I are very good friends.

The CHAIRMAN. You go around for the purpose of helping out with the business, or what?

Mr. PURDOME. No.

The CHAIRMAN. Advising her about the operation of the business?

Mr. PURDOME. No. I usually go by there in the evening to pick Mrs. Riman up.

The CHAIRMAN. Well, the business isn't operating in the evening, is it?

Mr. PURDOME. It is up to 5 o'clock. It is open until 5 or 5:30.

The CHAIRMAN. Mr. Hundley said that you came around two or three times a week, seeing something about the business. I just didn't understand what it was.

Mr. PURDOME. I have no direction in the business or anything else, except I come there to pick Mrs. Riman up.

The CHAIRMAN. You and she are very good friends?

Mr. PURDOME. Oh, yes, yes.

The CHAIRMAN. And the business is now being operated by her as administratrix of her husband's estate, is that correct?

Mr. PURDOME. That is true.

The CHAIRMAN. That is all, Sheriff, unless you have something you want to add.

Mr. PURDOME. I certainly appreciate the courtesy of the committee, and I want to add this, that we have tried to be as helpful as we could to the committee, since the committee's inception, and with the investigators and everyone else, and we will continue to cooperate with the committee at any time. Thank you, gentlemen.

The CHAIRMAN. Thank you, Sheriff.

The CHAIRMAN. This will conclude the open part of the testimony in Kansas City. We will have this afternoon a brief executive session, and it is probable in other sections of the country, or in St. Louis, other aspects of matters in Kansas City may be looked into.

Also, at a previous hearing in July, which was a closed hearing, the committee heard the testimony of many witnesses who have not been heard here today. The relevant parts of such testimony as bearing on the matter of inquiry in this executive session will be gone over, at a later time to be made public by the committee.

The committee has had under subpoena quite a number of other witnesses for this hearing. We regret the fact that shortage of time is going to prevent us from hearing all of the witnesses who have been subpoenaed, but their testimony in large measure would only be cumulative, and add weight to the points that have already been brought out by the committee.

The findings and a full report by the committee, which will include this Kansas City hearing, will be made in another interim report which will be made in the near future, as soon as the staff has an opportunity of preparing it.

I did think that at this time, before we leave Kansas City, that I might very briefly summarize what I think the committee was able to find out and what my individual feelings are in the matter. I am, of course, not speaking for the committee.

I think that from the viewpoint of the interstate angles, and in trying to get the interstate picture, we have secured, and gotten testimony here which is of substantial and material value to the inquiry of the committee, that is, trying to find out what the interstate crime condition is, and how it operates in the various sections of the country. We have here had testimony presented to us in this hearing about certain racketeers and certain people engaged in the gambling business or in crime business operating casinos and dice games and wire services not only in Kansas City, and in the Missouri area, but in other States as well, spreading out their influence across State lines to other parts of the country, and in our executive hearings we had some evidence regarding States other than the ones that have been brought out in this hearing.

These gambling activities have in most cases been accompanied by the use of the wire service, which originated in Chicago, came to Kansas City, where it was sold to customers, largely bookmakers, and in some places in Jackson County and in Missouri, and also across in Oklahoma and Iowa.

It is becoming increasingly clear that the wire service has been the means of communication and of knowledge between people in various parts of the country who were engaged in gambling and bookmaking, and illegal activities.

It will be noted with much interest here that the wire service was in the control or got in the control of some of the worst law violators in this section. We have found that to be true in some other sections, although we cannot yet speak for all parts of the United States.

We find here the samples, at least, of the type of intimidation of one person, one group of people "muscling in" or cutting in on somebody else's illegal activity, or even on somebody else's legal activity, of pushing in to get their part of it. The results in those transactions are always much easier to prove than the actual actions by which it was accomplished, but the result usually furnishes very clear and convincing evidence of what did happen.

This "muscling in" has been shown in connection with several gambling operations, in connection with the wire service, and in legitimate activities in connection with the beer business and the bakery business and other things.

Also, we have had some testimony that in times past particularly and to the extent that they might be able now to get by without the very efficient narcotics agents knowing something about it, there has been a substantial amount of interstate traffic in narcotics from Kansas City. This has been a substantial center for narcotics traffic.

One difficulty that we have not only here but almost everywhere else is the tenacious reluctance of some witnesses to testify as to their activity, at least until they find out and are thoroughly convinced that the committee has all of the details and the records about which they are being asked. The general attitude of some of these law violators is, you tell me what you have got, you show me what you have, and maybe I will testify about it. Otherwise, it is very, very difficult to draw it out of them, and we are finding over the country that there is greater and greater reluctance on the part of some of these people to testify. But we will get the facts the hard way if necessary.

Undoubtedly in years past this has been a section where a few criminals have imposed upon the good, law-abiding people in Kansas City and this section. I say a few because there weren't very many. But because of their activity and their intensity and the extent to which they would go, they had a tremendous influence which was made possible. I take it to some extent because while they were actively interested in making possible their law violations, the average citizen would leave the job of preventing it up to somebody else. There was active interest on one side and only passive interest on the other.

Unquestionably Charles Binaggio and the group of which he was the leader expected through political influence to open up, for gambling and other types of illegal operation of which he was a part, the State of Missouri, and in particular St. Louis and the city of Kansas City. That was undoubtedly his purpose and one of the reasons why he attempted to gain political position.

I have an idea that his death may have been caused because he had been unable to deliver to the people to whom he had given promises or made assurances, or perhaps had collected some money for this purpose. That is one of the possible clues to his death. Of course, there are many, many more. We have no way of knowing. In that connection, as I stated at the outset, it wasn't our purpose to try to solve any murders. That is not the primary province of our committee. Of course, if we did undertake this, we could spend all of our time and perhaps 2 or 3 years more trying to solve one murder. We deplore this and other murders. We deplore even more the theft of the ballot boxes here in Kansas City. That is something that really strikes at the freedom and the rights and the guaranties of the people. It is something that the whole country should be and is very much alarmed about. I am glad that the FBI and the local law-enforcement officers are continuing vigorously their efforts to try to solve that theft even though the statute of limitations may have run against the perpetrators of the theft.

In fairness I think it must be stated that while that was undoubtedly the purpose of Binaggio and his group, and they did have a very substantial influence, they had not been able to put across their schemes. There has been a good deal said and rumored about the involvement of the State government through the Governor and State officials that Binaggio expected to open up Kansas City. I think in fairness to Governor Smith and to other high officials I should say that we have dug diligently for every clue that we could follow and we had a very competent staff of investigators working, and other than the fact that Binaggio supported Governor Smith and did a great deal for him in his election, and the Governor accepted his support, we have found no substantial evidence that Governor Smith gave any aid or comfort to the idea that Binaggio should open up the State of Missouri or Kansas City. The people of the State were alarmed and they had some justification for being frightened, but when Messrs. Cohn and Chambers called on the Governor he did not indicate that he approved of Binaggio's plans.

One commissioner, Mr. Milligan, had been a member of Congress for many years and was a close personal friend of the Governor. He was willing to give Binaggio some patronage and perhaps the police chief, but he would not go along with Brann. The other two seem to have held steadfast to the idea that the law should be enforced.

All during this time I think it should be said to the credit of the chief of police, Mr. Johnston, and his staff, that while they were put in a position where great pressure was on them, where there undoubtedly were temptations to some officers to relax their effort because of the political influence of Binaggio and his group, the record shows that Chief Johnston and generally the police department held steadfast to the proposition that laws had to be enforced and there was no wavering from that point of view. I think under the circumstances they did very well indeed.

There were, of course, in the city of Kansas City book operations, gambling operations, some of which may have had some protection of some individual officer, but certainly no one can say that the police department, the chief or the high officials were permeated with that sort of thing. They seem to have been sneak operations and there is no evidence that they were condoned by the police department of the

city. The number of unsolved murders is also to the discredit of the police force. This is a most difficult problem but somehow it must be coped with more effectively.

My feeling, at least, is that you have a good city police department, an efficient and honest chief. The men that we have come in contact with are competent officers, with steadfastness of purpose. They are now getting the kind of cooperation that they need from the people of the city as evidenced by the formation of the crime commission and the interest of people generally in Federal law enforcement. Even the best police department is not going to do the kind of job that good people should want unless they have the active support and the encouragement of the citizenry of the city. They are getting that now. I hope that in the years to come they will continue to get it.

As Colonel White said at a supper the other night by the crime commission, it means an awful lot to a law-enforcement officer when he has a hard job to do and he sees everybody else getting rich to resist temptation when he doesn't receive any encouragement for the good work that he does. I want to say in that connection that the light sentences or the political interference in getting people off from charges that have been made, poor grand jury work—all of that is very, very discouraging to good law-enforcement officers. Also discouraging to any police department would be the paroling and pardoning of fellows like Gargotta over the protest of the chief of police, a man with a criminal record like this man had, where it was common knowledge that he had been one of the outstanding and most dangerous gunmen and hoodlums of this section. It is not encouraging where a man like that is paroled and pardoned and put back to carry on his criminal activities.

As to the handling of the finances by the Democratic committee, the State committee and the State, the books seem to be well kept insofar as the State committee itself is concerned. Mr. White has said that he has gone through them and has found no effort by hoodlums and racketeers to try to influence the State government insofar as the records kept by Edlund are concerned. He was the former treasurer. I think the chief criticism about the way the records were kept are first, the use of the so-called flower fund, which while a small amount, cannot be condoned, and also the listing of certain cash items as J. J. Price, which apparently to us in Tennessee would be John Doe. The money that came from Molasky, \$2,000, was part of the money in that fund. The total amount was about \$10,000.

Things in Missouri and Kansas City were getting up to a pretty ticklish point where there were near misses toward making headway in changing or at least influencing the efficiency of the police department. The pressure was pretty great at the time of Binaggio's and Gargotta's death. What would have happened had the lid not been blown off by their death, nobody can say. The situation was not healthy.

After Binaggio's and Gargotta's deaths, of course, the FBI moved in, already in investigating the vote theft. You had State and Federal grand juries. You had some indictments. So that Kansas City today, I think, is a clean city, with the people greatly interested in law enforcement and backing up their police department, and you have a good police department in the city. I do not think much can be said

for the sheriff or for law enforcement in the county, with all due reference to the personable sheriff who appeared here.

The fact that a man in the juke-box and slot-machine business, who helped finance a great many of the taverns, that he had 75 percent of the business, although there were many, many other competitors, was a deputy sheriff, would indicate in and of itself that there was some influence being used. That influence undoubtedly was the fact that this man had been made a deputy sheriff, which was a very unwholesome situation.

It is common knowledge that one of the chief jobs of the county police would be to police the taverns, and the man who was gaining something by having his music boxes and coin machines there would be one of the men as deputy sheriff who would have that responsibility, and who would have influence with the sheriff and with the other deputy sheriffs.

That situation is further aggravated by the fact that this same company headed up by the deputy sheriff employed three or four other people, deputy sheriffs, to help secure sites for their pin-ball and music boxes. I do not see how a tavern owner could hardly resist the temptation. That would mean something to the deputy sheriffs, a commission, if a certain juke box and coin machine were put in. The tavern owner would naturally want to stay on the good side of the sheriff and the deputy sheriff. So that is a very unwholesome situation and does not reflect credit on the sheriff or on the type of law enforcement you have in the county.

These deputy sheriffs have not been discharged. They are carrying on.

In general, I think it should be said that here in Kansas City, even though you have a lot of interest at the present time, and have a very clean and very beautiful city, I think it should be said that you do have in this city a hard core of racketeers and criminals, some of whom have gained so-called respectability, and some of whom have gotten into so-called legitimate businesses, where they are earning very large amounts of money, but their heart is still in earning more money, and they do not mind doing it illegally and through law violation. You do have a substantial group of that kind.

The heat is on now, and they are not doing anything much, but the minute the heat is off they will be back in their operations and using their influence with great effectiveness, unless they are watched, and unless you have a diligent citizenship, and maintain an efficient police department.

I was impressed by the testimony that your police department needs more men, but generally I think they are entitled to the commendation of the people of Kansas City.

In concluding, I may say that this hearing has not been a pleasant task. We have not been out here with the intention of protecting anyone or harming anyone, but of carrying out the mission that we were given by the United States Senate. I hope our effort will be understood in that light.

I want to again express very deep thanks on behalf of the committee, and I know on behalf of these men of the press who came with us, and the staff of the committee, also my personal thanks to the district judges, to the marshal and his aides, to the bailiffs, I cannot mention all of their names because there are so many, and the people in the

marshal's office and the district attorney's office who have been so kind to us, the police force of the city, and the two very splendid detectives who have been assigned to us, the board of police commissioners who have given us transportation and extended every courtesy to us, the crime commission, to the local press, and all of your government officials, for your very generous welcome, and your splendid cooperation. We are very grateful for the hospitable way we have been received by the people of the city generally. We want to thank you, and thank you on behalf of our staff.

This will conclude our public hearings in Kansas City.

Thank you very much for coming here.

(Whereupon at 12:55 p. m., the hearing was adjourned subject to the call of the chairman.)

APPENDIX

EXHIBIT No. 6

MINUTES OF THE EXECUTIVE MEETING OF THE SPECIAL SENATE COMMITTEE TO INVESTIGATE ORGANIZED CRIME IN INTERSTATE COMMERCE

The Special Senate Committee to Investigate Organized Crime in Interstate Commerce met in executive session at 2 p. m. on July 11, 1950, in the Senate District Committee room at the call of the chairman, Senator Estes Kefauver. The meeting was called to order by the chairman who called the roll of the members of the committee. The following members of the committee answered to the call of their names: Senators Hunt and Wiley. The chairman announced that a quorum of the committee was present.

The chairman presented the attached resolution for consideration by the committee. A motion was made by Senator Wiley and seconded by Senator Hunt that the resolution be adopted. The motion was unanimously carried and evidence thereof was made by the affixing of the signatures of the Senators present to the resolution.

ESTES KEFAUVER, *Chairman.*

RESOLUTION

Be it and it is hereby resolved, That the chairman be and he hereby is authorized to designate subcommittees for the purpose of holding hearings at Miami, Fla., on July 13 and 14, 1950, at St. Louis, Mo., on July 18, 1950, and at Kansas City, Mo., on July 19 and 20, 1950, or at such other time as the chairman may specify; and, that, one member of the subcommittee so designated shall constitute a quorum for the purpose of conducting such hearings, administering the oath, taking testimony of witnesses appearing before it, and taking such other action as may be appropriate.

ESTES KEFAUVER,
LESTER HUNT,
ALEXANDER WILEY.

SPECIAL SENATE COMMITTEE TO INVESTIGATE ORGANIZED CRIME—MINUTES OF A COMMITTEE MEETING, SEPTEMBER 6, 1950

The committee held an executive session at 2 o'clock in room F-82 in the Capitol. There were present Senators Kefauver, Hunt, and Wiley. There were also present Rudolph Halley, chief counsel; Alfred Klein, assistant counsel; and Mr. Julius Cahn, administrative assistant to Senator Wiley.

It was duly resolved on motion made by Senator Hunt and seconded by Senator Wiley that the chairman be authorized at his discretion to appoint subcommittees of one or more Senators, of whom one member will be a quorum for the purpose of taking testimony and all other committee acts, to hold hearings at such time and places as the chairman might designate with reference to the committee's investigations of organized crime in the vicinities of the cities of Chicago, St. Louis, Kansas City, Miami, Miami Beach, and Philadelphia, and in the States of New York and New Jersey.

ESTES KEFAUVER.

KANSAS CITY MISSOURI HEARINGS - 1950
U.S. Senate Special Committee To Investigate
Organized Crime in Interstate Commerce.

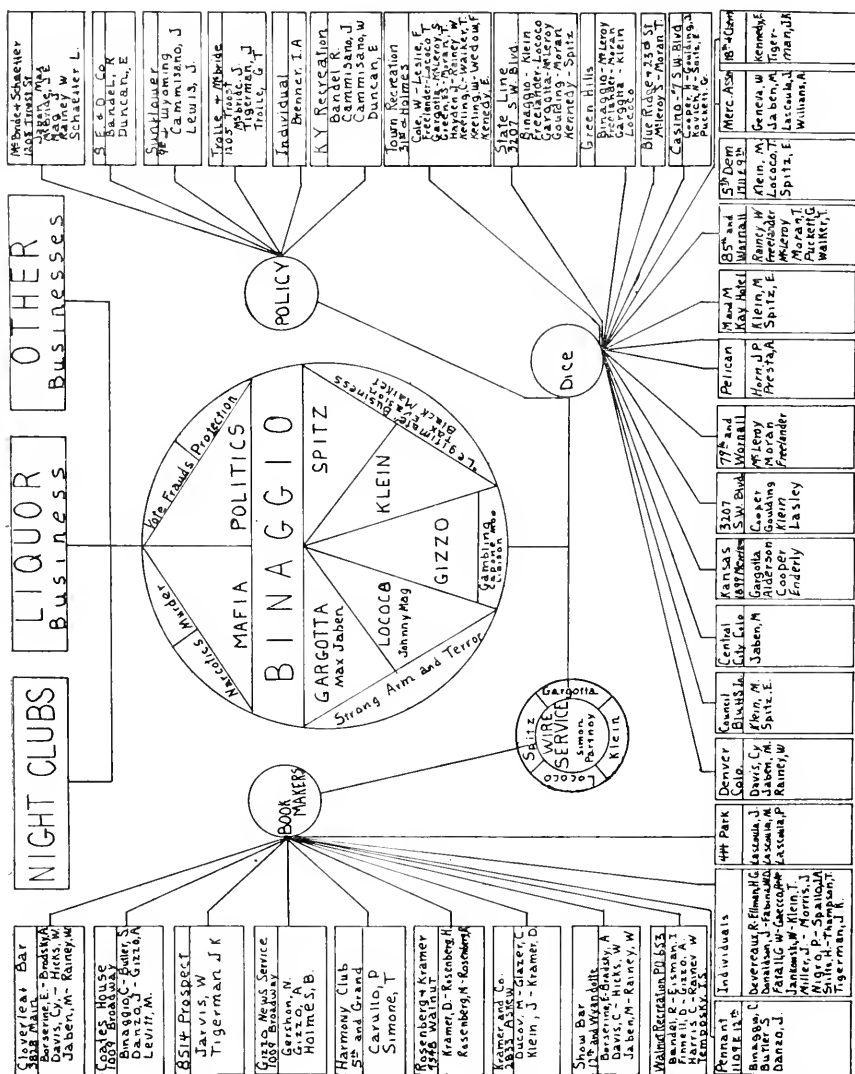
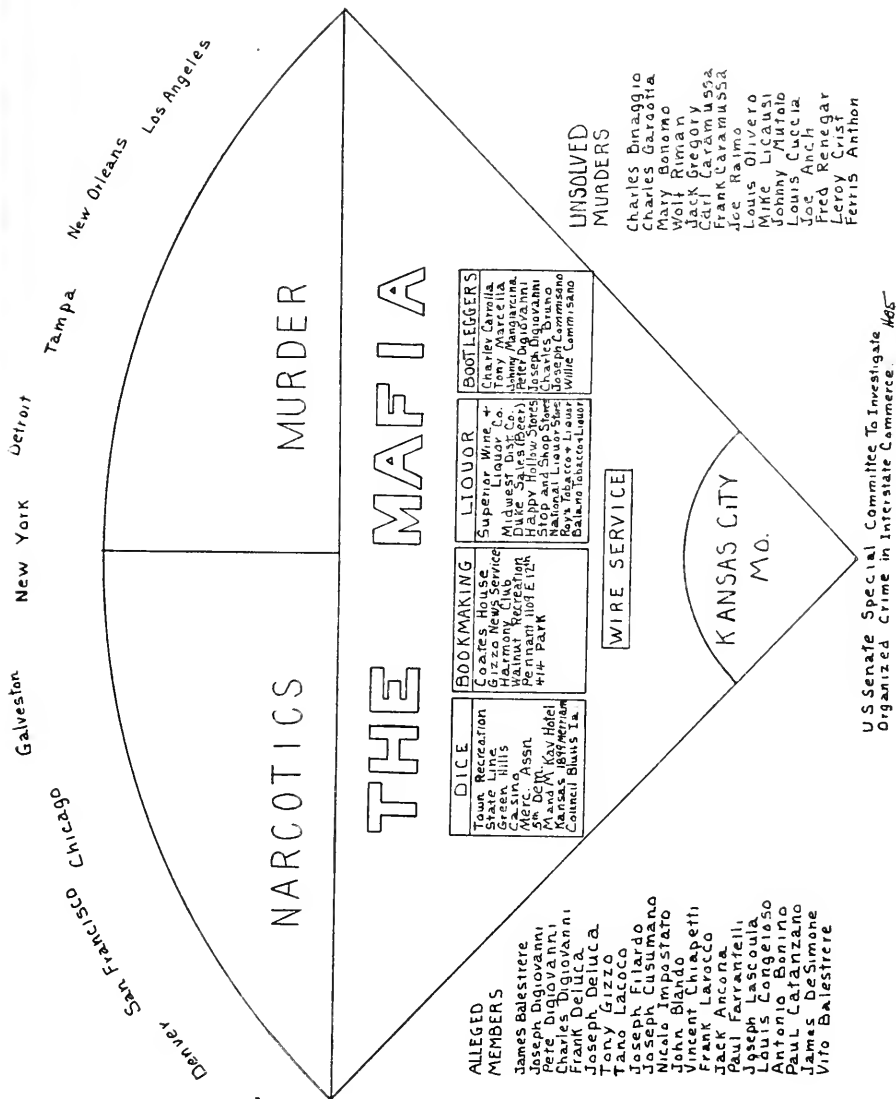


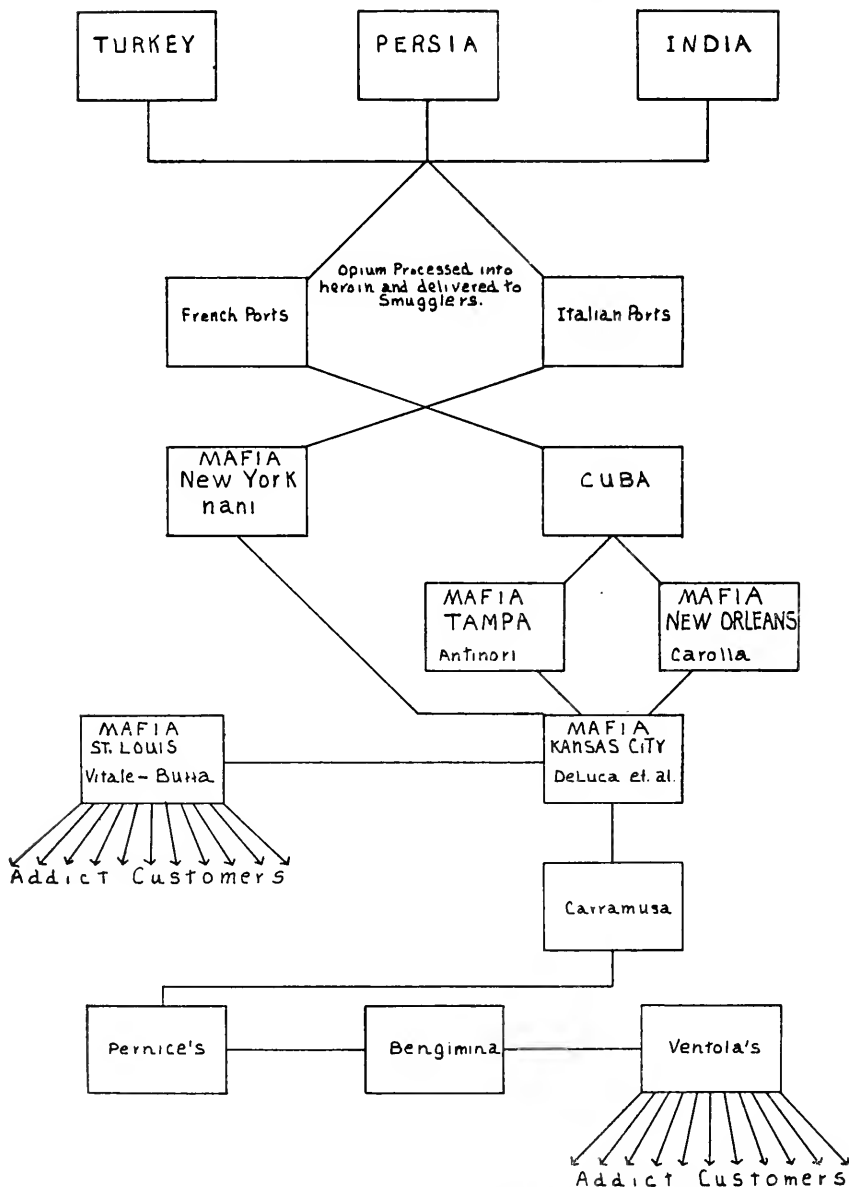
EXHIBIT No. 10



U.S. Senate Special Committee To Investigate
Organized Crime in Interstate Commerce. #45-

EXHIBIT No. 11

"LEGITIMATE" PRODUCERS OF RAW OPIUM



U S Senate Special Committee To Investigate
Organized Crime In Interstate Commerce. 405

EXHIBIT No. 12

FEDERAL BUREAU OF INVESTIGATION,
UNITED STATES DEPARTMENT OF JUSTICE,
Washington, D. C., April 9, 1947.

The following is the record of FBI No. 36046:

Contributor of fingerprints	Name and number	Arrested or received	Charge	Disposition
P.D. Kansas City, Mo. S.O. Kansas City, Mo. U.S.M. Kansas City, Mo.	Charles Gargotta, #9798 Charles Gargotta Charles Gargotta	Dec. 21, 1919 Aug. 12, 1933 May 16, 1934	Inv. att. burg. Murder, 1st deg., CCW. Steal. Gov't. guns.	May 9, 1934, acquitted. June 23, 1934, sent 3 yrs. each of 3 cts.—Sent to run concurrently. Fined \$5,000 on 3rd ct. and ordered to pay costs of trial. Sent to be served in Inst. to be designated by Atty. Gen.—chg. illegal poss. of Gov't property. 3 yrs. Leavenworth, \$5,000 fine and costs— appeal. (inf. rec. July 11, 1935).
*S.O. Kansas City, Mo.		June 23, 1934	Chg. theft of Gov't prop.	
(*)	As Charles Gargotta	Mar. 9, 1936	Illegal poss. stolen Gov't property.	Indictment dism. (inf. rec. Mar. 26, 1936).
*S.O. Kansas City, Mo. SP. Jefferson City, Mo.	Charles Gargotta, #103 Charles Gargotta, #52546	June 6, 1939 June 19, 1939	Assault to kill Assault w/ to kill	PG—3 yrs. Pen. PG, 3 yrs.; dis. unde cond. commutation. Jan. 28, 1941.
P.D. Kansas City, Mo. (air mail).	Charles Gargotta, #9798	Apr. 4, 1947	Inv. St. Iowa Warr. Hi- Way Robb.	
•	Charles Gargotta, #9798	PD Kansas City, Mo., Sept. 2, 1915.	Inv., bond	
•	Charles Gargotta, #9798	PD Kansas City, Mo., Sept. 14, 1919	Chg., drunk	
•	Charles Gargotta, #9798	PD Kansas City, Mo., Apr. 15, 1920	G. L.	
•	Charles Gargotta, #9798	PD Kansas City, Mo., Apr. 30, 1921	Liquor	
•	Charles Gargotta, #9798	PD Kansas City, Mo., July 5, 1921	Liquor, rel. to Govt.	
•	Charles Gargotta, #9798	PD Kansas City, Mo., Jan. 13, 1922	Poss. corn whisky, rel.	
•	Charles Gargotta, #9798	PD Kansas City, Mo., Apr. 7, 1922	Assault to kill, disch.	
•	Charles Gargotta, #9798	PD Kansas City, Mo., June 25, 1924	CCW; N. G.	
•	Charles Gargotta, #9798	PD Kansas City, Mo., Nov. 25, 1924	Liquor	
•	Charles Gargotta, #1798	PD Kansas City, Mo., Jan. 16, 1925	Inv. vag., disch	
•	Charles Gargotta, #9798	PD Kansas City, Mo., Mar. 11, 1925	Inv. vag., rel.	
•	Charles Gargotta, #9798	PD Kansas City, Mo., Mar. 24, 1925	Susp. stick-up, disch.	
•	Charles Gargotta, #9798	PD Kansas City, Mo., Apr. 9, 1925	Inv. vag.; disch.	
•	Charles Gargotta, #9798	PD Kansas City, Mo., Apr. 24, 1925	Inv.; rel.	
•	Charles Gargotta, #9798	PD Kansas City, Mo., July 10, 1925	Susp. rel. by Chief	
•	Charles Gargotta, #9798	PD Kansas City, Mo., Nov. 25, 1925	Inv., vag., rel.	

* Represents notations unsupported by fingerprints in FBI files.

Exhibit No. 12—Continued

Contributor of fingerprints	Name and number	Arrested or received	Charge	Disposition
•	Charles Gargotta, #9798	PD Kansas City, Mo., Apr. 2, 1926	Inv.; disch.	
•	Charles Gargotta, #9798	PD Kansas City, Mo., Apr. 2, 1926	Susp.	
•	Charles Gargotta, #9798	PD Kansas City, Mo., Apr. 12, 1926	Susp. Dyer Act; turned over to Fed. Auth.; disch.	
•	Charles Gargotta, #9798	PD Kansas City, Mo., Apr. 29, 1926	Susp.	
•	Charles Gargotta, #9798	PD Kansas City, Mo., May 1, 1926	Susp. hold-up, vag.; rel.	
•	Charles Gargotta, #9798	PD Kansas City, Mo., June 22, 1926	Susp.; rel.	
•	Charles Gargotta, #9798	PD Kansas City, Mo., Sept. 25, 1926	Prop. gamb. pl.; disch.	
•	Charles Gargotta, #9798	PD Kansas City, Mo., Oct. 21, 1926	Liquor, rel. by Pros.	
•	Charles Gargotta, #9798	PD Kansas City, Mo., Jan. 2, 1927	Inv. hwy. robb.; disch.	
•	Charles Gargotta, #9798	PD Kansas City, Mo., Apr. 8, 1927	Vag.	
•	Charles Gargotta, #9798	PD Kansas City, Mo., Apr. 1, 1928	Inv.; rel.	
•	Charles Gargotta, #9798	PD Kansas City, Mo., June 13, 1928	Occupying room for immoral purposes.	
•	Charles Gargotta, #9798	PD Kansas City, Mo., Mar. 7, 1930	Frequenting gambld. house.	
•	Charles Gargotta, #9798	PD Kansas City, Mo., Apr. 15, 1930	Inv.	
•	Charles Gargotta, #9798	PD Kansas City, Mo., Nov. 29, 1930	Liquor; rel.	
•	Charles Gargotta, #9798	PD Kansas City, Mo., Dec. 30, 1930	Inv.; rel.	
•	Charles Gargotta, #9798	PD Kansas City, Mo., Jan. 30, 1931	Cardless driving, diem.	
•	Charles Gargotta, #9798	PD Kansas City, Mo., Aug. 26, 1932	Inv. - extortion case—using mails to defraud; rel. without being held (inf. rec. Feb. 15, 1934).	
• SO. Kansas City, Mo.		Nov. 22, 1933		

*Represents notations unsupported by fingerprints in FBI files.

J. E. Hoover, Director.

EXHIBIT No. 20

UNSOLVED MURDERS FROM JANUARY 1, 1940, TO SEPTEMBER 25, 1950, INCLUSIVE,
KANSAS CITY (MO.) POLICE DEPARTMENT, HOMICIDE BUREAU

April 12, 1940: Ruth Harding (white female)—Found in a garage at the rear of 1420 Olive. Victim had apparently been raped and beaten to death. This is a colored district.

April 18, 1940: Charles O'Neil (white male)—Found on the street at Fourteenth and Highland with throat cut.

December 2, 1940:¹ James Maroon (white male)—Found in a car in the alley at rear of 543 Troost, shot to death.

December 21, 1940: John C. Mauraal (white male): Found beaten to death at Thirteenth and Grand.

April 13, 1941: Joseph J. Lyons: (white male)—Skull fractured in fight. Found at Ninth and Delaware.

June 21, 1941:¹ Pete Locascio (white male)—Found shot to death in his tavern, 4700 East Twenty-seventh Street.

September 12, 1941: Ted Hughes (white male)—Kansas bootlegger. Found shot to death in the rear of 225 Brooklyn. Had just bought a load of whisky to be taken back to Topeka, Kans., where he was bootlegging. This was apparently an attempted holdup. Victim made a dying statement accusing Bill Kobe of Topeka, Kans., as being the assailant. Warrant was issued and Governor of Kansas refused to turn suspect over to this department at the extradition hearing.

August 23, 1942: Edward Wagner Kent (white male)—Found beaten to death in the alley between Fourteenth and Fifteenth, Wyandotte and Central.

January 11, 1944: James Mosely (white male)—Found in the parking lot at rear of approximately 918 Central. Victim had been beaten to death. All pockets were turned out, apparently a strong-arm robbery.

October 30, 1945:¹ Allen Gilmore (colored male)—Found shot to death on the street at Fifth and Grand during early morning hours. No witnesses to shooting were found.

November 6, 1945:¹ Pearl Coron Morrow (colored male)—Found on street near Fifth and Oak suffering from gunshot wounds. Subject told officers that he had been shot by two white men who were driving past him in a black car. Subject later died at General Hospital.

November 18, 1945: David Hastey (white male)—Found in alley near Fifth and Forest. He told officers he had been dragged there by a group of white men who had robbed him of approximately \$30. Subject later died as a result of a beating received from these men.

January 22, 1946:¹ Joseph Anch (white male)—Found shot to death under viaduct at Lydia Avenue and Guinotte. Subject had a long police record.

January 30, 1946:¹ Louis Cuccia (white male)—Shot to death while seated in automobile near 1501 Truman Road. Subject was in company with Nick Civella, Kansas City police character, and it is believed that gunmen were firing at Civella, who ducked the bullets.

April 20, 1946:¹ Thomas Kelley (white male)—Found shot to death on Cliff Drive. Subject was a well-known police character.

November 2, 1946: John C. Heilman (white, male)—Shot to death in his home, 5817 Wayne, while resisting the attempt of a hold-up man to enter through the front door of the home.

November 23, 1946:¹ William Herring (white, male)—Shot down on street at Independence Avenue and Park. Subject was ex-convict and police character.

January 10, 1947:¹ Fred W. Renegar (white, male)—Found shot to death in his automobile at Twenty-ninth and Summit Street. Subject was a well-known gambler in Kansas City, Mo., and Kansas City, Kans.

June 26, 1947: Paula Eubanks (white, female)—Found beaten to death on dump at Independence Avenue and White. Victim had been forcibly taken from the front porch of her home by an unidentified white man earlier in the evening.

July 12, 1947:¹ Mary Bono (white, female)—Shot to death while sitting in front of her place of business at Ninth and Brooklyn. Subject was a well-known police character and informant.

October 6, 1947:¹ John Mutulo (white, male)—Found shot to death lying on a table in a political club at 608 Brooklyn Avenue. Subject was well-known police character and petty gambler.

¹ Indicates "spot" murders.

February 14, 1948: John Hoover (white, male)—Found beaten and burned to death in his car near Seventy-eighth and Blue River Road (Swope Park). Victim was Kansas City contractor, also engaged in mining activities in Arkansas.

April 14, 1948:¹ Mike Licausi (white, male)—Shot to death in front of the political club at 1016 Truman Road. This club was reported to be a gambling joint in which Licausi had an interest.

June 10, 1948: Mary Brooks (colored, female)—Found beaten to death in her home at 1024 Woodland. Subject is believed to have been robbed as she was supposed to have kept a sum of money in her residence.

August 20, 1948: Otto Hazelwood (white, male)—Shot to death while resisting a hold-up at filling station of which he was night manager.

February 1, 1949:¹ Leroy Crist (white, male)—Found shot to death in his car in front of 1101 Guinotte. Subject was well-known police character, having recently been acquitted on a murder charge resulting from an attempted hold-up of a liquor store.

March 24, 1949:¹ Wolf Riman (white, male)—Shot to death on street near Fourteenth and Chestnut. Subject was a pinball-machine operator and also had extensive liquor interests.

April 5, 1950:¹ Charles Binaggio (white, male)—Found shot to death in political club at 718 Truman Road. Subject was prominent political leader and reportedly involved in Nation-wide gambling operations.

April 5, 1950:¹ Charles Gargotta (white, male)—Found shot to death in political club at 718 Truman Road. Subject was well-known gunman and muscleman engaged in gambling operations in this locality.

On July 11, 1947, about 5 a. m., Mary Mommertz, a white woman, left her home on her way to work. As this woman was walking along the street in the vicinity of Twenty-fifth and Bellefontaine, she was accosted by a drunken white man who made an insulting remark to her. The woman struck the man with her purse and he retaliated by striking her in the throat with his fist.

The woman proceeded to her place of employment, where she told friends about the incident. About 5:50 a. m., the same morning, she became ill, while at work, and was taken to General Hospital in a cab by her fellow workers. Mary Mommertz was admitted to the hospital where she died at 8:35 a. m., the same morning.

The police were not called into this matter until after the subject had died, and the investigating officers had no opportunity to obtain facts or information relating to this assault, other than what she had told her friends before becoming ill at work.

¹ Indicates "spot" murders.

EXHIBIT No. 24

POLICE DEPARTMENT, KANSAS CITY, MO.

RECORD AND IDENTIFICATION BUREAU

Henry W. Johnson, Chief of Police

The following is the record of KCPD No. 7079.

Name: Joe DiGiovanni, white male, born Italy, April 23, 1888, 565 Campbell, 3524 Park, 533 Charlotte, 410 Gladstone.

Alias: -----

Place	Date of arrest	Charge	Disposition
Kansas City (Mo.) Police Department.	Oct. 9, 1918	Murder.....	To State, Oct. 10, 1918.
Do.....	Oct. 10, 1925	Kidnaper.....	Discharged by Government, Sept. 19, 1929.
Do.....	May 25, 1941	Material witness.....	Discharged.
Do.....	Aug. 24, 1943	Speeding and resisting arrest.	Dismissed for lack of prosecution.

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